

tains no comparable provision. The House recedes, with a clarifying amendment.

#### SECTION 407. STATE ALLOCATION STUDY

The Senate amendment requires a thorough study of the allotment of funds among the States of grants for basic vocational rehabilitation services authorized under title I. The House bill has no comparable provision. The House recedes.

#### SECTION 500. EFFECT ON EXISTING LAW

The House bill in subsection (a) repeals the Vocational Rehabilitation Act effective July 1, 1973, whereas the Senate amendment repeals it 90 days after the enactment of this Act. The House recedes.

The House bill in subsection (b) extends to FY 1973 the authorizations in the Vocational Rehabilitation Act at the level specified for FY 1972. The Senate amendment contains no comparable provision. The Senate recedes.

The House bill in subsection (c) makes the Act effective July 1, 1973, except subsection (b) of this section, which it makes effective July 1, 1972. The Senate amendment contains no comparable provision. The House recedes.

#### SECTION 501. EMPLOYMENT OF HANDICAPPED INDIVIDUALS

The Senate amendment, but not the House bill, establishes an Interagency Committee on Handicapped Employees.

The purpose of the Committee is to provide a focus for Federal and other handicapped employment, provide for review and approval by the Civil Service Commission of the adequacy of hiring, placement, and advancement practices of Federal agencies with respect to handicapped persons, and for consultation by the Committee with the Civil Service Commission and the making of recommendations by the Committee.

Each Federal department and agency in the executive branch of government (and the Postal Service and Rate Commission) is required to submit to the Civil Service Commission within 180 days after enactment an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals.

The Civil Service Commission is required on June 30, 1974, and at the end of each subsequent fiscal year, to make a complete report to the appropriate committees of Congress on the hiring, placement, and advancement of handicapped individuals in the Federal government, including its recommendations as to legislation or other action to insure the adequacy of such practices, which report shall include the Interagency Committee's evaluation of the Commission's activities.

The House recedes.

#### SECTION 502. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

The House bill, but not the Senate amendment, directs the Board to undertake a study of transportation and housing needs and problems for handicapped individuals. The Senate recedes.

#### AUTHORIZATIONS OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

	House	Senate
Fiscal year 1973-----	Such sums.	
Fiscal year 1974----	Such sums	\$1,250,000
Fiscal year 1975----	Such sums	\$1,500,000

The conference report authorizes the appropriation of \$1,000,000 each for fiscal years 1974 and 1975.

#### SECTION 503. EMPLOYMENT UNDER FEDERAL CONTRACTS

The House bill permits the President to waive the requirements of this section relative to affirmative action programs for employment of handicapped individuals by Government contractors, when he determines that special circumstances in the na-

tional interest so require. The Senate amendment contains no comparable provision. The Senate recedes.

#### Title Amendment.

The Senate amendment, but not the House bill, contains a title amendment. The House recedes.

CARL D. PERKINS,  
JOHN BRADEMANS,  
PATSY T. MINK,  
ALBERT H. QUIE,  
EDWIN D. ESHLEMAN,

*Managers on the Part of the House.*

JENNINGS RANDOLPH,  
ALAN CRANSTON,  
HARRISON WILLIAMS,  
CLAIBORNE PELLI,  
EDWARD M. KENNEDY,  
WALTER F. MONDALE,  
BILL HATHAWAY,  
ROBERT STAFFORD,  
ROBERT TAFT, Jr.,  
RICHARD S. SCHWEIKER,  
J. GLENN BEALL, Jr.,

*Managers on the Part of the Senate.*

#### PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT ON H.R. 9293

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight tonight to file a report on H.R. 9293, to amend certain laws affecting the Coast Guard.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 9553, PROFESSIONAL SPORTS—TV BLACKOUTS

Mr. MADDEN from the Committee on Rules reported the following privileged resolution (H. Res. 544, Rept. No. 93-501), which was referred to the House Calendar and ordered to be printed:

H. Res. 544

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 27(d) (4) of Rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9553) to amend the Communications Act of 1934 for one year with regard to the broadcasting of certain professional home games. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 9553, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1841,

and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9553 as passed by the House.

Mr. MADDEN. Mr. Speaker, I call up House Resolution 544 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 544?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 544.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 544 provides for an open rule with 1 hour of general debate on the bill (H.R. 9553) to amend the Communications Act of 1934 for 1 year with regard to the broadcasting of certain professional home games, that is home professional sporting events. The resolution (H. Res. 544) provides for a waiver of clause 27(d) of rule XI of the rules of the House of Representatives, the 3-day rule.

It also provides that after the passage of H.R. 9553, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1841 and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 9553 as passed by the House.

The bill H.R. 9553 provides that if any game of a professional sports club is to be televised pursuant to a league television contract and all tickets made available 5 days or more before the scheduled beginning time of the game have been purchased 3 days or more before such time, no agreement preventing the televising of such game at the same time and in the area in which the game is being played will be valid.

Mr. Speaker, at the hearings before the Rules Committee it was brought out that the promoters of professional football and possibly baseball, basketball, and hockey have developed into something possibly converging on or becoming a promoter's bonanza to unreasonably profiteer on the sports loving public.

I used to attend football regularly when one could see the best games for \$3 possibly, or at the most \$4. Testimony was brought out before the Rules Committee that tickets have gone up and in some locations in the major part of the stadium the cost for a seat is \$15, \$20, and in some stadium locations \$25.

The airwaves belong, as far as ownership is concerned, to the people of this country. Besides these high prices that the promoters of professional athletics pertaining to football, basketball, and

hockey are charging, they are probably taking advantage of and violating all the price freezes, regulations of price control, and they are profiteering beyond all degree of imagination.

In fact, it was brought out, Mr. Speaker, that some of our big corporations in the country are buying up blocks of football and basketball season tickets, and they are distributing them out to their customers, friends, and the public, and they are securing tax exemptions on the same. Unless something is done to curtail this profiteering on sporting events millions of our youth will be denied the viewing and participation of recreation and athletic events which was enjoyed in former years. I fear possibly when Watergate closes, we may have stadium gate.

Mr. Speaker, I want to compliment and thank the Interstate and Foreign Commerce Committee and thank the Senate for passing this legislation, as I think it is high time for the Congress to do something about profiteering in professional sport.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTI).

(Mr. LATTI asked and was given permission to revise and extend his remarks.)

Mr. LATTI. Mr. Speaker, I do not know whether I have anything else to say because I think the gentleman from Indiana has covered everything except Chappaquidick and the Bobby Baker case. I do not think professional football is a racket.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. LATTI. I yield to the gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I did not say professional football was a racket, but some of the promoters are making a racket out of it.

Mr. LATTI. Mr. Speaker, I am glad the gentleman has clarified that.

I think it is a clean sport, and I think the man at the head of it, Pete Rozelle, plays a pretty clean game. I think the American public is pleased with what they are getting. If they were not, we would not have this bill here today and there would not be the demand on the part of the American people to see these games that produced this bill.

I do not think I have ever seen in my time on the Rules Committee a bill get such a quick hearing in my life as this bill. As I understand from the chairman of the committee, they are going to rush this right down to the President today so that come Sunday, the American public can see these football games.

I think, even though I might disagree with some of the language in the bill, I think it is a good bill, a good rule, and I intend to vote for it.

Mr. Speaker, I am going to have to yield 5 minutes to the gentleman from New York, a former football player, Mr. KEMP.

(Mr. KEMP asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, I appreciate the gentleman's yielding. I hope that I

do not come before the House as a professional football player. I come before the House as a colleague.

I hope the Members will recognize that I am taking this time during debate on the rule to make some points which under general debate I may not have the time to make in detail.

I do not oppose the rule. I am glad it is an open rule and that the bill will be open to amendment. I will have something to say at appropriate moments during the general debate.

I join my distinguished colleague from Ohio (Mr. LATTI), a member of the Rules Committee, in amazement over the dispatch with which this legislation is moving through the Congress and the speed with which we are handling an issue of such great national import. I believe in retrospect that only the Gulf of Tonkin resolution moved equally fast.

I take the floor today to speak in opposition to the legislation. Let anyone say at the outset, "Jack Kemp has a vested interest," I will say, "Yes, I do." I am a player. I played professional football for 13 years. I have a vested interest in the pension plan.

I am a fan, like all other Members. I discuss football. I watch it with my children. I want to see more of it.

I have friends playing the game. I have owners as friends. The commissioner is a friend of mine.

I could not have, I guess, a more vested interest in all sides of it. I own season tickets for which I paid. I go to all the games I can.

But I oppose the legislation because, very sincerely, I do not believe it is going to be in the interest of professional football fans. I do not believe it is right for Congress to radically alter the merchandising of NFL TV policy which, over the years, has led to such a tremendous growth of the game, in the interest not just of owners, but of the players and fans as well.

The growth of professional football in the past decade has led to unprecedented job opportunities. There are more people playing football. There are better salaries and better fringe benefits than ever before in the game. Television has helped to contribute to that.

Rather than being "promoters" or "racketeers," as they have been so intemperately called, NFL owners are businessmen interested in maximizing their profits. At the same time they have brought a product to the consumer today that is popular and popularly priced. I might add, more people are watching football today than ever before because of a TV policy that provides for nearly 75 games a year to be broadcast into each league city each season.

When I started out in pro football in 1957, in the National Football League, there were only 12 teams, with few jobs, and salaries that were ridiculously low. One did not get any football games in his hometown when the hometown team was playing, and when they went on the road fans did not get road games telecast back home.

The basic argument to be used today, in favor of this legislation is well-known. Because there have been limited anti-

trust concessions made to pro football in 1961 and 1965, pro football owes the public a guio pro quo.

I am suggesting that the TV policy of the National Football League is now and has been in the public interest. It has been bringing more football games to more people than ever before, and it has also been in the interest of the players for it maximizes stadium attendance which in the final analysis is the lifeblood of the game.

The limited exemption to the antitrust laws that Congress granted, in 1961, had nothing to do with the blackout issue. That was granted to professional football in 1961, so that the NFL could pool their TV rights and sell them as a package. That had already been done in baseball, hockey, and basketball it had been done in the American Football League.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LATTI. Mr. Speaker, I am glad to yield the gentleman an additional 3 minutes.

Mr. KEMP. Mr. Speaker, the 1961 exemption was not any blanket exemption from antitrust. Pro football is not exempt from antitrust; it is very much under the antitrust laws.

This is a very limited exemption. Did it work out to the interest of the fans? Yes. I will tell you why it did. What that 1961 exemption did was to allow the clubs to pool their rights in the TV product and offer it as a package, as the owners in the AFL and the other pro sports were already doing at that time.

It allowed them to turn around and broadcast to small markets: For instance, Green Bay, Wis.; Buffalo, N.Y.; Denver, Colo., and other areas of the country that could not compete with Los Angeles or Chicago in the TV market area.

Mr. Speaker, this was the NFL policy. So our games were being broadcast; the away games were being broadcast back to the home town. There was no blackout.

It is unprecedented, I believe, for Congress to tell someone how to merchandise his product, and in such a way as perhaps to radically alter what one feels is in the best interest of the continued growth of the game. And the growth of the game, I would suggest, has been in the best interest, not just of the owner, but it has been in the best interest certainly of the player and of the fan.

Mr. Speaker, I can speak with great passion on this subject, having come from the American Football League of 1960, when people were not attending the games in numbers that would allow the AFL to operate solvently.

Now they are making money for the first time in a long time. Second, there are more jobs, unprecedented jobs, and more people are watching TV than ever before.

Mr. Speaker, I will have more to say on the subject, but I do hope that my colleagues will give due consideration to this legislation.

I realize, as the National Football League realizes, that we are faced with a fait accompli. The Committee on Rules recommends passage.

The passage of the bill in the other body was overwhelming, and we are going to be asked today, I hope, to look at this on an experimental basis. I hope that we can come back in a year and take a look objectively and fairly at what has happened to pro football by this unprecedented action.

I believe fan interest will be reduced. The legislation will increase no-shows—that is, people who would buy tickets will remain home on a rainy or cold day and they will say, "I think it is just too much trouble to go to the stadium and see a game today, I'll stay home."

Mr. Speaker, I talked to the Buffalo Stadium authorities and other stadium authorities, and they tell me their construction bonds are being amortized by the revenue from the concessions. Concession revenues and consequently construction bond amortization payments will be reduced or jeopardized by no-shows.

In my opinion, the intent of legislation under consideration, while quite sincere is misguided. As one who opposes congressional action forcing pro football to radically alter the merchandising of their TV package, I am distressed to hear my position narrowly interpreted as pro business, or antiplayer, or even anti-fan. I believe those labels to be ad hominem. I submit that the TV policy of the NFL is more progressive today than ever before and that it is now and has been in the past an integral part of the tremendous growth of the game. This growth, I am persuaded, is as much in the interest of the fans and the players as it is for NFL owners.

Professional football is a very special kind of business venture. It requires the existence of a sports league, comprised of individual teams of competitive and approximate strengths and skills. Each team's financial stability is inextricably bound to the economic success of the other teams in the league. So in that sense it is a cooperative business enterprise, while at the same time, teams must be competitive on the field. It is this understanding which prompted, I believe, Congress to extend two selective exemptions to pro football during the past 15 years—in 1961 covering the joint sale of TV contracts so as to allow all teams equal access to TV revenues, and in 1966 allowing the AFL-NFL to merge.

The effect of the exemption of 1961 has been, I believe, misunderstood. The pooling arrangement was to further equalize the resources of the NFL member clubs by having each team share on an equal basis in the TV revenues and also to provide that each team's away games be televised back to the home city. These two things the AFL, of which I was a member at the time, had already been allowed to do legally.

This was particularly important to cities with small TV markets which otherwise would not have been able to see their team play games on the road. I mention this because I have heard much criticism of the TV policy of the NFL for not serving the public interest, particularly in light of the two selective anti-trust exemptions they have been given.

In actuality, the television policy of the NFL has, to a large extent, helped create the amazing market which it presently enjoys, the phenomenal growth of the sport over the past 15 years is unquestionable. Accessibility to more teams, visibility on television, coverage in the news media, instant analysis by Howard Cosell are just a few examples of the mushrooming interest in the NFL and pro football. Attendance has grown from 3 million in 1957 to more than 15 million in 1972. More than 74 telecasts of NFL games reach into each league city on each Sunday afternoon. Average attendance has risen from 39,000 to over 60,000 per game. It seems to me that for Congress to upset the TV policy which has made much of this growth possible, would be a mistake which could precipitate serious problems.

It is obvious from the mood of the Congress that some form of this legislation will surely pass in the near future. I would hope that it would be on a 1-year experimental basis and that we come back here in a year and look fairly and objectively at the results. Some recent experiences, I believe, portend trouble.

My wife and I attended the most recent Super Bowl game in Los Angeles. Commissioner Rozelle lifted the TV blackout in Los Angeles when the game became a sellout 10 days in advance. Then, as some anticipated, almost 9,000 of those who purchased tickets did not bother to come to the game. It was a beautiful day. Sunny, warm and comfortable. But 8,746 persons decided it was more convenient to watch the game on their TV sets.

Suppose they had played the game the following day when the rain drenched Los Angeles. Half the seats in the Coliseum might have been empty. What would happen in the winter to cities and teams who have vested interests in concession, parking and radio revenues?

Football stadia would be cold places without people in the seats. Take away the spectators and the game will deteriorate. As the commissioner has said:

What is most important is that as many fans as possible attend the games. Their presence vitally affects the competitive atmosphere. Fan dedication once lost may never be regained. We would far prefer to be criticized by crowds than to be ignored by empty seats.

During the 1972 season, a total of 624,686 tickets were purchased but not used. And this occurred in areas where home games were blacked out. To an extent, pro football is at the mercy of the weather. On two cold but clear December days in Kansas City, where the Chiefs play in a new facility, Arrowhead Stadium, more than 50,000 ticket purchasers did not attend the games. A December game between the New York Jets and Cleveland Browns was technically a sell-out but 17,530 persons owning tickets did not show up in Shea Stadium.

In opposing these bills, Commissioner Rozelle has made an interesting point:

We hear this proposal continually referred to as a "blackout" issue. The fact is that it

is not a blackout issue at all. NFL home territories are no longer blacked out on Sunday afternoon even when the home team is playing a game at home; two or three NFL games are telecast in each home territory each Sunday afternoon. This proposal therefore does not deal with blackouts—it is an effort to prescribe by statute which NFL games must be telecast in what area on what occasion.

Pro football TV policy has been continually upheld in the courts. The legal right of the home team to black out games in its territory was first upheld by Federal Judge Allan K. Grim as long ago as 1953.

In 1962, a Federal judge in the city of New York upheld the legality of the NFL's TV blackout within a 75-mile radius, denying an injunction to compel a live telecast of the championship game in the New York area.

A Federal district court in California dismissed a suit to compel the NFL to telecast the 1967 Super Bowl game live in the Los Angeles area.

A Federal court in Florida dismissed a suit to force a live local telecast of the 1971 Super Bowl game in the Miami area.

A Federal district court in Louisiana upheld a local blackout of the 1972 super bowl game in New Orleans.

A Federal judge in Washington, D.C., upheld the local blackout of a national conference divisional playoff game at Robert F. Kennedy Stadium. Then the U.S. Court of Appeals, the ninth court to consider the issue since 1962, refused to overturn the findings of the lower court.

Pro football is experiencing unprecedented prosperity precisely because it has exercised restraint in its television programming. It learned from the example of the Los Angeles Rams in 1950. That was the year the Rams televised home games locally under the sponsorship of Admiral TV. Admiral guaranteed an annual gate revenue based on attendance of the five previous seasons. The result: even though the Rams won a conference championship, attendance declined by 46 percent. Admiral got stuck with a big tab.

Yet the game is not so strong as to be invulnerable. It is a game that cannot be played very often, thus league competition is limited to just 14 weekends. The NFL must attract maximum attendance within a short period; capacity crowds for each of seven home games is a minimum and necessary objective.

The two teams competing in a local football contest are not obligated to make their entertainment event available on free home television in the area where the game is being played any more than the producers of any other form of entertainment.

The practice is wholly without anti-trust implications, since it has nothing to do with competition among the member clubs of the league, testimony of the Justice Department in behalf of the administration to the contrary notwithstanding.

As we discuss this issue in which professional football and Congress become embroiled, it is incumbent upon us to understand those conditions which make possible the continued fan involvement and enjoyment of the game, consistent with the rights and best interests of the

players but, at the same time, we must not forget the need for continued growth of the game.

There exists a good deal of empirical evidence to support the contention that pro football has been a resounding success with players and fans. Attendance has grown from 3 million in 1957, when I was a 17th round draftee of the Detroit Lions, to more than 15 million in 1972. Average attendance has risen from 39,000 to 58,000 per game. Since 1957, 13 stadiums have been constructed, 3 more are in construction. In addition, stadium plans are under consideration in both Baltimore and Detroit.

So, too, television football fans have enjoyed increasing TV coverage of pro football. On any given Sunday afternoon, at least three pro games can be seen in major cities.

From the players' vantage point, the picture is of course debatable but in my view the picture is impressive. Average salaries have jumped from \$9,500 in 1957 to more than \$30,000 in 1972, not including fringe benefits, insurance, and medical coverage valued at about \$8,000 annually. In 1957, players had no pension plan. In 1972, a rookie who plays for 5 years and who starts to collect his pension at age 55 will receive \$500 a month. If he starts to collect at 65, he will receive \$1,250 a month. My pension after 10 years in the AFL will be around \$650 a month at age 55 and \$1,700 a month at age 65 whereas in 1965 it was \$50 a month at age 65.

The number of jobs available in the ranks of pro football has grown from 396 in 1957 to 1222 in 1972.

Let me explain the central issue which sets pro football and other pro teams sports apart from traditional business. Competition in professional football is not naturally derived. A sports league itself is an artificial conception kept alive by elaborate rules designed to develop an economic potential and provide stable employment opportunities. Without such rules, professional football would rapidly deteriorate into mere casual exhibitions of athletic prowess without an economic base and without widespread employment potential.

In the second place, the relationship which exists between member clubs of a single football league is wholly unique. If a league is to be successful, it must take steps to insure substantial equalization of opportunity among all clubs of its league. Failure to do so jeopardizes the league itself. This follows because the economic relationship between member clubs of a league is like no other relationship found on the American scene. Every club plays one-half of its games on the roads. Thus almost one-half of each club's gate income is directly dependent on the successful operation of every other franchise of the league. The home-away TV split is 60-40 percent. Because of the limited number of games possible in pro football, near capacity crowds are important to all clubs. A "sick" franchise is almost as much a problem for the other clubs of its league as it is for the club itself. Indeed, it has on occasion been necessary for the remaining clubs of a league to contribute

financially to, or take over the operations of, individual clubs simply to insure the league's continued operation. The rules and practices of the sport make it less likely that "sick" franchises will exist. The draft and the option clause—those practices which make possible a greater equalization of talent—have made the professional football industry much more stable and more attractive to the public.

The courts have considered the rightful relationship of professional sports to the law on numerous occasions. In 1953, the Supreme Court in *U.S. v. National Football League* (116 F. Supp. 319) (E.D. Pa. 1953), said:

Professional football is a unique type of business. Like other professional sports which are organized on a league basis it has problems which no other business has. The ordinary business makes every effort to sell as much of its product or services as it can. In the course of doing this it may and often does put many of its competitors out of business.

Professional teams in a league, however, must not compete too well with each other in a business way. On the playing field, of course, they must compete as hard as they can all the time. But it is not necessary and indeed it is unwise for all the teams to compete as hard as they can against each other in a business way. If all the teams should compete as hard as they can in a business way, the stronger teams would be likely to drive the weaker ones into financial failure. If this should happen not only would the weaker teams fail, but eventually the whole league, both the weaker and the stronger teams, would fail, because without a league no team can operate profitably.

The winning teams usually are the wealthier ones and unless restricted by artificial rules the rich get richer and the poor get poorer (as Commissioner Bell put it). Winning teams draw larger numbers of spectators to their games than do losing teams and from the larger gate receipts they make greater profits than do losing teams. With this greater wealth they can spend more money to obtain new players, they can pay higher salaries, and they can have better spirit among their players than can the weaker teams. With these better and happier players they will continue to win most of their games while the weaker teams will continue to lose most of their games. The weaker teams share in the prosperity of the stronger teams to a certain extent, since as visiting teams they share in the gate receipts of the stronger teams. But in time, even the most enthusiastic fans of strong home teams will cease to be attracted to home games with increasingly weaker visiting teams. Thus, the net effects of allowing unrestricted business competition among the clubs are likely to be, first, the creation of greater and greater inequalities in the strength of the teams; second, the weaker teams being driven out of business; and third, the destruction of the entire league.—116 F. Supp. at 323-24.

What Congress must consider, and what I hope the league and the players and fans will recognize is that limited antitrust exemptions which I think are properly within the purview of congressional action, stem from a need to preserve the "nature of the sport, and not a need to preserve the nature of the business." In other words, the exemptions are required to maintain the high degree of competitiveness in pro football, and not to give the pro football business any particular business advantages over any other kind of business enterprise.

While I am on the subject, and for the record, proposals have been put forth in the Congress as early as 1958 to accomplish these goals. Senator Hart introduced legislation which sought the same objectives in 1965. What must be done is to clearly place all professional sports firmly within the antitrust law, and then proceed to define with particularity those areas where exemptions are necessary to allow team sports to operate effectively within leagues; to take actions aimed at balancing playing strength and to preserve the integrity of the sport.

As a player in the AFL and as the president of the AFL Player's Association at the time of the AFL-NFL merger, I supported that move because I could foresee the day when the continued competition for talent between the AFL and the NFL would lead to the destruction of several AFL-NFL teams. The AFL could have died as the All-American Conference did in the early 1950's. It seemed logical to me, and in the best interest of the players I represented, to encourage participation in a 26-team league—stable, financially solvent, greater employment for more football players all over the country, increased TV gates and boosted player pension plans and salaries. In retrospect, that was a wise decision. The deleterious effects some warned of did not come about. In fact, I believe the NFL players benefited as well, but most of all, I think, the fans of pro football have benefited.

Mr. MADDEN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in answer to some of the statements which were just made, I do not think anybody is opposed to football or professional football, but I have said before that we are opposed, I say advisedly, to the unreasonable increase in the prices of tickets and also the multi-millions of dollars which are being paid by the networks for just a few minutes of television time.

The question at issue here is: Why is it that these promoters are against people living within a short distance of cities and towns where the games are being played and when the stadium is sold out.

Mr. Speaker, the people living within a short radius of those stadiums certainly are entitled to tune in and witness the event.

That is all this bill does. It gives the people in these areas an opportunity to sit in their homes and watch the games, when the stadiums are sold out.

I hope this antiblackout bill is passed by a large majority.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9553) to amend the Communications Act of 1934 for 1 year with regard to the broadcasting of certain professional home games.

The SPEAKER. The question is on the

motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9553, with Mr. ZABLOCKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Ohio (Mr. BROWN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I start I would like to indulge in a little bit of levity. If the House will listen to this for just a moment, I would like to read something. I was just handed a release which came over the wire service here, which reads as follows:

WASHINGTON.—The House passed legislation today to lift the local television blackouts on home pro football games if they are sold out 72 hours in advance of the opening kickoff.

House action followed approval of the bill by its Rules Committee.

Mr. Chairman, that is pretty fast action. It really is. There are a lot of people who have faith that we will pass this legislation, and I hope their prediction is true.

The Senate passed a bill on this matter last Thursday by a vote of 76 to 6. The Subcommittee on Communications and Power brought the bill before the House (H.R. 9553) with one dissenting vote, a voice vote, and the full committee then debated it, and it came out of the full committee with one dissenting voice vote.

This affects pro football, baseball, basketball, and hockey.

Here is the big thing I want all of you to remember. They have to be sold out 72 hours in advance.

We want to be fair with all of the professional sports leagues. I cannot see where anybody can complain if they are sold out 72 hours in advance. I cannot see why anybody would kick against this at all.

We say the ticket offices must be open 5 days ahead of time so they cannot wait until a day or 2 beforehand and say, "We have not sold two or three tickets here." I do not see why the people who pay the taxes to build these stadiums should not have an opportunity to see what they paid for and the sold out games which are played inside the stadium.

That is all we are doing here. We are permitting the citizens who paid the taxes to build some of these stadiums and arenas to see the sold out professional football, baseball, basketball, and hockey games that are played inside and televised elsewhere under a league television contract.

I do not think anybody can disagree with that in any way.

The Senate is standing by right now, waiting for this legislation, and I hope that we can vote right away. I talked with Senator PASTORE, and he said to me that he was having a hard time keeping some of the Members of the Senate around there to vote on the bill this afternoon. They are waiting for us to send it over. I hope that we can get through with the bill shortly.

The committee has one amendment, and perhaps two. One of them is to agree with something that was discussed in talking with Senator PASTORE. This would terminate the legislation on December 31, 1975. The other is a technical amendment.

There are a lot of people who want to speak on this because I know it affects the constituents of most everyone in this House. I am going to ask unanimous consent for everyone to have the privilege of revising and extending their remarks on the legislation. I hope we will not have too much debate on it. I hope that within the next 15 to 20 minutes we can go into the amending stage.

The Justice Department is for the bill, and the President has stated publicly that he is in favor of the bill.

With those remarks, I will be glad to answer any questions. That is just how simple the bill is. It provides that if the stadiums are sold out 72 hours in advance then the people in the city which would otherwise be blacked out would have an opportunity to see that game. I do not see where anyone could disagree with that. It is just that simple a proposition.

Mr. Chairman, I will now yield such time as he may consume to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD). H.R. 9553 is his bill.

(Mr. MACDONALD asked and was given permission to revise and extend his remarks.)

Mr. MACDONALD. Mr. Chairman, I appreciate the Chairman, the gentleman from West Virginia (Mr. STAGGERS) yielding to me. I intend to be just as brief as I possibly can.

I think we all understand the bill, more or less. I am sure everyone has their mind made up. But in order to comply with the rules of evidence, and have something in the record that can be shown, if anyone appeals to the Supreme Court, I think we ought to present just a little legislative history.

I would like to point out that those Members who have taken the time to read the bill find that we have bent over backward as far as our committee was concerned to be fair to everybody concerned.

I have no quarrel with the gentleman from Indiana, but I do not agree with the gentleman that this sport has in any way, shape or form been taken over by racketeers or that it is operated as a racket, or anything else. It is a good sport; it is a great sport. We are trying to help it, and to see it prosper.

As a matter of fact, we have helped it prosper. As the Members know, when we gave them the antitrust exemption in 1961, it went to network contracts,

negotiated between the league and a network. That was a violation of the antitrust laws without our exemption. I believe we did so wisely, and that it was in the interest of the public as well as the interest of the owners of those teams in giving them this. And, believe it or not, the figures that are available show that the NFL's income received from TV has gone up 700 percent since that time. Now they rely very heavily on the revenue that comes from radio and TV.

I believe that we asked very politely for 2 years running if they would please take into consideration a lifting of the blackouts in a situation where all of the tickets had been sold out.

I personally thought that a 48-hour sellout was enough, but they made a case, and the committee—Mr. STAGGERS and the rest of us—went along with 72 hours. That is 3 days before the game. Everyone is saying that this is going to adversely affect football. It is not going to adversely affect football—if the Members listen to the people who are saying we are hurting football—because when the sale of these tickets drops off, this bill becomes inoperative. They have to have a sellout 3 days in advance before the sanctions this bill become operative.

Personally, I see nothing unfavorable to football in that.

People have talked about the no-shows. I think one reason that there were no-shows at the Super Bowl—where Mr. Rozelle and others had reference to straws in the wind and things that might come about—was the fact that, as we saw in this week's paper here in Washington, scalpers were trying to unload their tickets and scalpers would never show anyway, because they just went into it as a commercial venture. So even before the bill has taken effect we have done some good for the people of Washington in eliminating the scalpers' market.

But to go into details of how the bill operates, in addition to the blackout, we have provided for injunctive relief in the event that the league tries to get around the prohibitions that this bill contains. Any interested person can seek injunctive relief at the nearest court. I might say, parenthetically, that having listened to the owners of some of the clubs and to Pete Rozelle, the commissioner of football, I am personally convinced that they will not try to contravene either the spirit or the intent of the legislation that I hope will come out of this House and has already come out of the Senate.

As reported by the subcommittee and subsequently by the committee, H.R. 9553 is in the form of permanent legislation. It is my firm belief, and the belief of the overwhelming majority of the committee members, that permanent legislation is entirely justified. There was no indication in any of the testimony before the subcommittee that the conditions affecting the telecasting of professional sporting events were likely to change within the foreseeable future in light of the legislative action proposed by H.R. 9553. Thus, the subcommittee decided to approach the problem on a permanent basis.



The alternative suggested by National Football League commissioner, Pete Rozelle and that contained in the Senate bill is a 1-year experiment beginning this season. However, as Commissioner Rozelle testified, the validity of a 1-year approach is seriously compromised inasmuch as tickets have already been sold and policies already determined for the season which begins next Sunday; and obviously, therefore, the 1973 season would not be a fair trial.

Thus, in an effort to avoid a time-consuming conference with the Senate which would delay the final enactment of this important legislation beyond the opening of the new season, I have proposed to the sponsor of the Senate bill, Senator JOHN PASTORE, that we agree on a bill which would be in effect until December 31, 1975. Senator PASTORE has agreed to abandon his 1-year experimental legislation in favor of the approach embodied in H.R. 9553 with the amendment which I proposed to him. He has assured me that such a bill will be acceptable to the Senate, thereby avoiding the necessity of a conference on this legislation.

The legislation before us is a bill which truly serves the public interest and which merits the support of every Member of the House. I ask that we move with all possible speed to adopt H.R. 9553 with the amendment which will be offered by either Mr. STAGGERS or myself.

We have been fair, in my judgment, to the league. The league is well run; the league has prospered; the American people have supported football; they will continue to do so, in my judgment; and I feel that those fans who would like to purchase tickets to go see the games that are sold out should also be considered. This is no free ride. This is not telling the National Football League that they have to give away their product. They are selling a product; it is a good product. The American people buy it. Many of us here buy it.

I urge that we all get together about this. I do not personally share the remarks against football, as the gentleman from New York (Mr. KEMP) knows, having testified before our subcommittee.

I feel it is a great sport; it is a well-run sport; and I hope that the Members will have an opportunity to read the bill to see what it does and will see that this is a good idea. Let us pass this bill.

Mr. Chairman, I yield back the balance of my time.

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, an overwhelming majority of my colleagues and I urge prompt and full support of H.R. 9553, the bill which lifts local television blackouts of home games of professional football, hockey, baseball, and basketball. Our rapid and virtually unanimous committee action on the bill was the result of widespread interest in the issue, full and thorough hearings and past congressional help for professional sports.

In 1961, Congress granted the four major league exemption from antitrust

provisions so each league, acting on behalf of their member teams, could negotiate and collectively sell leaguewide broadcast rights to network media. Congressional intent at that time was to help professional sports attain financial stability and viability. Our goal was achieved, especially in professional football.

In 1961, primarily all of NFL revenues were derived from gate receipts, whereas presently about one-third of NFL revenue is derived from television contracts. In 1962, the first year under the exemptions, the television contract amounted to \$4.6 million or \$332,000 for each of the 14 existing NFL clubs. The eight AFL clubs received about \$212,000 each. Presently, the television contract for the league is reported to amount to \$46 million or \$1.8 million for each club.

Furthermore, professional football also gained unprecedented popularity. Four additional club franchises have been granted. Additional games are being played by each team. Most clubs have obtained new or enlarged stadiums.

Attendance has more than doubled. In recent years, this increased attendance has resulted in a great many sold-out games. In 1972, a total of 12 clubs sold out all of their games prior to the beginning of the season; 124 of the 182 games played in 1972 were sold out; 95 percent of the games played had 95 percent or more capacity crowds.

The league and the teams have benefited.

The wealthy investors and owners have profited further.

The season ticketholder has benefited. But, a tremendous number of local fans cannot even watch their home team play. About 35 percent of the Nation's population resides in blacked-out areas.

In view of these factors, and in view of the fact that the blackouts no longer seem necessary, the obviously appropriate action for league officials was to lift the blackouts. But the response of the NFL and the other power brokers was a not-too-subtle "Public be damned." Apparently the wealthy cannot appreciate the needs of those without season tickets and without the resources to buy them.

Their attitude left no choice for Congress. Your committee reported H.R. 9553 which lifts blackouts but also protects the teams affected. Under its provision, a home game has to be sold out 72 hours in advance, before the local blackout can be lifted. And, under its provisions, the FCC will study the effect of the legislation, reporting to Congress once annually. As the ranking Republican on the Communications and Power Subcommittee I know our committee will give the utmost annual scrutiny to the effect of our legislation.

The legislation, indeed, has adequate safeguards.

It is needed.

And the need for H.R. 9553, as the chairman of our subcommittee pointed out, is now.

I urge your support of this legislation.

Mr. Chairman, I would like to clarify one point with the chairman of the

subcommittee, the gentleman from Massachusetts (Mr. MACDONALD). I want to make clear in legislative history this point, that on games where it has been previously agreed that the blackout will be lifted and they would appear on free TV, all free TV would have the opportunity to bid on those games?

Mr. MACDONALD. Commercial TV, all commercial TV.

Mr. BROWN of Ohio. Ordinarily we do not, by arranging for that, bar the possibility of pay TV also having an opportunity to show those games although not with priority over free TV.

Mr. MACDONALD. That is correct. That is under the present setup of CATV.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, the House is acting now on this legislation which is of an experimental nature over a period of 3 years.

One thing concerns me. While I do not expect it to happen, it is conceivable that in a few years the FCC, which I study this issue, or the leagues of the present Congress with convincing evidence demonstrating that the blackout is essential to the continued viability of pro sports. If after thorough reexamination we decide not to renew the legislation, I would hope today's legislation would have no precedential influence or effect on future league arrangements for the sale of game rights or FCC regulations dealing with such. Is this a correct interpretation?

Mr. BROWN of Ohio. I am not sure I got what the gentleman's effort to make legislative history is aimed at. What does he mean by not being a precedential?

Certainly, what we have established is precedent in the law.

Mr. MURPHY of New York. Would this be purely limited to free television, or if we repealed this at a future time, would the opportunity for cable or commercial systems have the ability to bid with the teams over the league?

Mr. BROWN of Ohio. I assume the decision would have to be made at the time of whatever decision the Congress would have to make when it failed to renew this legislation, or to repeal it.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the chairman of the subcommittee for his comment.

Mr. MACDONALD. Mr. Chairman, it is quite a way down the pike and sort of an iffy question. I can answer the gentleman directly by saying that this legislation is not aimed to affect the operating process or competitive open market. But this would not preclude anybody from entering into businesslike negotiations for the league with whomever they want to deal with. The league contract has another year to run. They have initiated a contract which will extend for a 4-year period, which is much longer than this bill has effect. They will be locked into that agreement and it has already been initialed and is just awaiting the regular procedure of signature. That will

be done very quickly, and that contract covers commercial TV.

Mr. MURPHY of New York. Mr. Chairman, I am happy that the legislation will not be prejudicial in this instance.

Mr. HUDNUT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Ohio and in support of the legislation.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I do not think the gentleman in the well wants to leave the impression that football fans are not now able to see their own hometown team.

Mr. BROWN of Ohio. They are, where those games are blacked out, unless they want to travel to a location where it is on television.

Mr. KEMP. Could the gentleman tell me if he remembers when the telecast of road games back to hometown territory became NFL policy?

Mr. BROWN of Ohio. In all professional sports there was a reluctance to accept television because nobody was quite sure what the impact was going to be. That reluctance apparently still exists by the resistance we have had to this legislation.

The point I have tried to make in my comments is that football—in particular football—has benefited. So has baseball and presumably basketball and hockey, because those professional teams are doing better since they have been televising games.

Mr. KEMP. Will the gentleman concede that fans in a hometown territory are, because of that 1961 limited exemption, now able to see their team on TV even when they are on the road?

Mr. BROWN of Ohio. Yes. We would like for them to see the home games too.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, for the benefit of the gentleman from New York (Mr. KEMP) I also did not get a chance to go into the second exemption in the antitrust exemption which we gave the league in 1966 when we permitted a merger tacked on by the Senate of a nongermane amendment to a tax bill coming over here. It was also in 1966 that away from home games were piped back on a continuous basis including for the first time other games when the home was itself playing at home.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I am glad to yield to the gentleman from Florida.

Mr. FREY. I should like to point out that televising back of the away games of the NFL was not an altruistic thing. That was because the AFL was coming on. It was only the competition that moved them finally to do it.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS), a member of the subcommittee.

Mr. COLLINS of Texas. Mr. Chairman, this piece of legislation has been handled most fairly by our chairman.

I want to comment on one of the most important features of the legislation, and that is this addition of putting a date certain for termination of this transition type legislation. Under the bill now, we include 1973, 1974, and 1975 for the test period.

Mr. MACDONALD. That is correct.

Mr. COLLINS of Texas. During these years our committee plans to review it, for any possible problems that can arise because of this legislation on the TV blackout being lifted.

Mr. MACDONALD. That is correct. In the meantime, the FCC is directed to report to the Commerce Committee of the Senate and the Interstate and Foreign Commerce Committee of the House by April 15 of each year on the progress under this bill.

Mr. COLLINS of Texas. Our chairman is probably the best qualified and certainly the best informed man of any of those who are in the Chamber. He was the best halfback that Harvard ever had. As I watch the Boston Patriots play today, sometimes I feel he should take up that pursuit again.

I should like to point out that there are some three or four special matters I should like to see us keep an eye on.

In the first place, the number of people who show will definitely be off at these ballgames. That will affect the concessions. They make an average of 60 cents for every person at a game, as a net profit, so if they are off 20,000 fans that would be \$12,000 less margin.

If they are off 20,000 fans, the parking will be off probably \$20,000, also.

There are other phases of it that are going to be hurt, such as the season ticket sales. We cannot estimate the impact, as to what this is going to do with respect to season ticket sales. That is why it is so important that the chairman placed a termination date of 3 years. In 1975, we can review the results and fairly evaluate it.

This year the Washington Redskins are sold out. However, when the fans know that they can see the games at home next season, there will be a strong hesitancy to buy the season tickets, since the fans can stay at home and see the game at home, warm, and dry.

There is another thing that will have a strong impact on ticket sales. That is the fact that fans will wait until 3 days before the game. They will delay buying the ticket to see if the game is a sellout and they can see it free at home on television. When they have waited until the last 3 days—the chances are that they will wait those last 3 days—it will be hard to sell the remainder of the tickets. The net loss from ticket sales might be a great factor to the operating income of the team.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman yielding.

It is interesting to consider the effect of attendance being reduced to 10,000 to 12,000 per game over a season. We have to remember that pro football only has

seven games at home and seven on the road. A diminution of net attendance of 10,000 to 12,000 per game over the season would almost reduce the club's income the same amount as the whole TV package for 1 year. That is what we are talking about. This is a very dangerous attempt, which will radically alter the TV package and may very well reduce radically the attendance at games. It could do considerable harm over a full year of the schedule.

Mr. COLLINS of Texas. That is certainly right.

All of us are interested in providing television for our hometown people. I know in my hometown we watch the Cowboys, and that is the highlight event every week. But, above that, we are interested in our team being a success, not only today but also tomorrow, and we are interested in seeing pro football be a success in the future. That is why we need to reevaluate this legislation on a year-to-year review.

Mr. MACDONALD. I should like to recommend to the gentleman that if Dallas wants to sell out they should remove the \$300 bond one has to post in order to become eligible to buy a ticket.

Mr. COLLINS of Texas. I am sure in the future they will continue to have an aggressive ticket sales program, as the Cowboys look forward to every game being exciting.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FREY) a member of the committee.

(Mr. FREY asked and was given permission to revise and extend his remarks.)

Mr. FREY. Mr. Chairman, I want to pay my respects to the chairman of the committee. I believe we had a tremendous range of testimony from witnesses representing all viewpoints.

I would also like to pay my respects to the gentleman from New York (Mr. KEMP) who, I believe, has most adequately presented one side of this issue. I wish to emphasize that there is more than one side of this issue.

For instance, Mr. Chairman, when the networks appeared in front of us, of course, they sounded very altruistic, but they wanted more advertising revenue. As in any business, they were interested in making every dollar they can out of their business, and rightly so.

After listening to the hearings for a number of days, I believe the one factor that swayed me in favor of this bill is the public interest. There is no question that there is some danger to the clubs. The effect of this bill has to be watched carefully. We do not want to turn football into a studio sport. We do not want the problems arising from a great loss of revenue.

Mr. Chairman, I do not think this is going to happen.

I might add, from a very personal standpoint, that there are potentially four new franchises in the league, and there are at least 24 cities around the Nation which are fighting to get these franchises. They are fighting to get those franchises today, with the knowledge that this bill is being considered here and will probably pass. These people do

no want to lose money; they obviously think they are going to make money.

So I do not think that the future of pro football is in jeopardy at all, as do potential investors.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. Mr. Chairman, I wish to say that I appreciate the gentleman's contribution. He is a very hard worker on the subcommittee.

I wish to point out that this is not directed toward the gentleman from Florida (Mr. FREY) but I have just been informed that the Senate is about to close up shop unless we get this bill completed.

Mr. STAGGERS. Mr. Chairman, I yield myself 1 minute here to give the Members some facts, and then I do want to get this thing finished up right away.

Mr. Chairman, I just wish to show the House a report that our Special Subcommittee on Investigations, started on 1 year ago today, on this very day, and I wish to point out what the result of this was.

We made a survey of every professional football team in America and their season ticketholders. We went to the Bureau of Census for advice so the techniques we used would be entirely fair. They suggested how many names we should get from each football team, and we went to each team then and asked them to supply us with a specified number of names. In all, 8,200 season ticket holders were polled.

Mr. Chairman, we asked them about TV blackouts, whether they would be in favor of it or not. Sixty-nine percent of the ticketholders said they would be in favor of ending the blackout. The other 31 percent said they were not in favor of it and would surrender their tickets.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. STAGGERS) has expired.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wish to make this clear: That there has been a survey made of every pro football team in America and their season ticketholders.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, will the gentleman restate how many people there were in that poll who did say they would not buy a season ticket?

Mr. STAGGERS. Thirty-one percent.

Mr. KEMP. Thirty-one percent.

Mr. STAGGERS. That is 31 percent but the other 69 percent said—

Mr. KEMP. Mr. Chairman, I wish to thank the gentleman for making my point for me.

Mr. STAGGERS. No; that is not correct. I said that the other 69 percent said that they would buy the tickets of the 31 percent who would not buy.

Mr. KEMP. Mr. Chairman, it is not the 69 percent we are worried about; it is the 31 percent that bothers us. If we

take 31 percent of the National Football League games into consideration, that is a serious decline in revenue.

Mr. STAGGERS. The gentleman did not understand me. Perhaps the gentleman cannot understand me.

I will repeat. Sixty-nine percent said they would buy the ones that were left, that if 31 percent said they would give them up, they would buy them.

Mr. Chairman, this is a copy of the report. The Members can see how large it is. We made a complete survey across America. I believe everyone in the House ought to be for this bill.

I just hope that we do not have any more debate on the bill and that we can get into the amendment stage so the legislation can be passed.

Mr. BROWN of Ohio. Mr. Chairman, I agree heartily with my distinguished colleague, the chairman of the committee, the gentleman from West Virginia, that we want to try to get this legislation over to the Senate this afternoon so that it can be acted on by them and hopefully passed today.

However, I do have a couple of other requests for time and one of them I feel I must absolutely recognize is the obligation to Mr. PARRIS, the gentleman from Virginia, who introduced this legislation on the 19th of July and who has been very persistent before the committee to get us to act on this and bring it before this body so that some of us in the Washington, D.C., area might have an opportunity to see some of the sold out games of the Redskins.

So at this time, Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. PARRIS).

(Mr. PARRIS asked and was given permission to revise and extend his remarks.)

Mr. PARRIS. Mr. Chairman, I would like to make a few brief comments at this time in connection with the so-called antiblackout legislation which comes before this body today. As you may recall, I was the chief sponsor of the original legislation under H.R. 9420 which was cosponsored by more than 60 Members of this House. The legislation is designed to prevent future television blackouts of the home games of professional sports teams when the games are sold out with no tickets remaining available for purchase by the general public. I would like to take just a brief moment to point out to my colleagues the merits of this measure.

This legislation is designed to assist the literally millions of Americans across this Nation who each fall are denied the right of viewing their favorite local National Football League team on television because of arbitrary action by the league which blacks out local television coverage of home football games even though those games may have been sold out months in advance.

The legislation would also cover any sold out and blacked out home games of the National Basketball Association, the American Basketball Association, the National and American Baseball Leagues, and professional hockey. However, since teams in those sports are not at this time flagrantly abusing their

right to broadcast over the public air waves, the primary target of this legislation will admittedly be the National Football League, and the primary beneficiary of its passage will be the professional football fan.

The National Football League is the most prosperous professional sports organization in America today. It has obtained that status through the hard work and dedication of both athletes and owners because of the devotion of the American public and because Congress granted it an exemption from the antitrust laws!

Mr. Chairman, I do not question the hard work of the men who own and operate the individual teams which make up the National Football League. I do not doubt the dedication of the magnificent athletes who play in the NFL, but I do doubt and question the league's collective action to prohibit millions of devoted fans from seeing on television those games that are sold out, and I believe the league's action in this regard is a violation of the spirit if not the letter of the exemption agreement with Congress.

The National Football League's action in this matter is frankly, a slap in the face to the very people who helped make the league what it is today, and since officials of the league have repeatedly refused to voluntarily correct this situation, I believe we have no alternative but to correct it by the adoption of this legislation.

This measure would accomplish this purpose by amending the Communications Act of 1934 to prevent television broadcast stations, network broadcast organizations, or cable television systems from entering into or carrying out any agreement, express or implied, under which a station, network or system would be prevented from broadcasting the home games of any professional athletic team when tickets to the game have been sold out at least 72 hours in advance.

The 72-hour provision is an improvement to the original bill which I introduced—an improvement provided after hearings before the House Subcommittee on Communications and Power and a considerable amount of toil by our distinguished colleague from Massachusetts, Mr. MACDONALD, who is chairman of that subcommittee.

The subcommittee and the full Commerce Committee approved this legislation after making those changes which were necessary and I am confident the overall bill is one which is acceptable to the majority of my colleagues in both intent and substance.

A companion measure to this legislation, authored by the Honorable JOHN PASTORE of Rhode Island, has already passed the other body with only six dissenting votes and if passage is obtained here today, I have been assured by the White House that the President will quickly sign the enactment, so that relief may be provided as soon as possible for those fans who have been unable to obtain tickets for the regular season opening games to be held in the next few days.

In closing, Mr. Chairman, let me say



that the only argument which the NFL has presented against passage of this bill, other than a few self-serving declarations, has been the argument that the measure will result in financial disaster for league teams from coast to coast.

I do not happen to believe that is the case. Studies in the 26-team areas now covered by the league indicate that a great majority of those persons who purchased season tickets this year would have done so even if this bill had been enacted this time last year. What minimal losses might be actually realized in parking and concessions in the event of bad weather could, in my opinion, be more than made up by the addition of new television revenues which might be available if this legislation passes.

However, if I am mistaken, if the subcommittee was mistaken, and if a majority of my colleagues are mistaken, and as a result of this legislation there is any proven permanent significant financial damage to professional football, any of the other professional sports, or to the members of their teams, I will, next year be at the front of the fight to repeal the legislation—just as enthusiastically I am now anxious to see it enacted, today.

Mr. LENT. Will the gentleman yield?

Mr. PARRIS. I yield to the gentleman.

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Mr. Chairman, I rise in support of the measure. The situation in my native New York points up some of the inequities fostered by television blackouts.

One of the byproducts of the antitrust exemption tendered to the National Football League is that the New York Jets have been able to increase attendance at their regular season games by a whopping 300-plus percent in just 10 years. The present ratio of season ticket sales to paid attendance is better than 94 percent for the Jets while 90 percent of the Giants turnstile receipts are gobbled up by season ticket holders.

There are Jets and Giants fans who while away a decade on waiting lists for season tickets because individual game tickets are seldom available, save through scalpers.

Television has been a major factor in the skyrocketing popularity of football and rather than cut into attendance as some have contended a blackout lift would do—TV has increased gate receipts by increasing the number of fans who enjoy the game.

Claims by promoters that televising home games will hurt paid attendance are unproven and especially weak when, in fact, games are already sold out.

Mr. Chairman, I urge passage of this measure and am hopeful that it will further open major sporting events to public viewing. I know I speak for a vast majority of Long Islanders who will be grateful for the enactment of this legislation.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman.

(Mr. McKINNEY asked and was given permission to revise and extend his remarks.)

Mr. McKINNEY. Mr. Chairman, I feel the present policy on sports blackout reflects a blatant disregard for the millions of avid fans in this country whose support keeps professional sports alive and profitable. It is an unnecessarily rigid, self-serving policy of arbitrary limitation of the use of public airwaves to insure large profits. It is in fact an arrogant mistreatment of the public.

As an example, let me describe to you the plight of the Connecticut football fan. Without a home team of his or her own, many Connecticut fans support the New York Giants, the New York Jets, or the New England Patriots.

Connecticut's Fourth Congressional District, which I represent, is in the southwestern part of the State, bordering on New York. For many years, the Giants held their training camp in my hometown.

Through their close association with many of my constituents and for a variety of other reasons, they gained a large number of loyal enthusiasts in the Fairfield County area. I would add that Joe Namath and the New York Jets are not without wide support in this area as well.

However, the vast majority of these people are prevented from seeing their heroes because of distance, the high number of season ticketholders and the obviously finite capacities of Yankee Stadium and Shea Stadium, the respective homes of the Giants and Jets. In all, the Connecticut fan suffers the same fate as the New York City dweller.

The only way a Connecticut fan can see the Giants or Jets is to drive outside the arbitrary 75-mile blackout area. This season, the Giants will play five home games in New Haven, Conn., at the Yale Bowl. It is my understanding that right now, just a few weeks before the opening of the season, an estimated 60,000 of the 70,000 seats at Yale Bowl have already been sold for the entire five-game series, mostly to season ticketholders. Therefore, the Connecticut fan will be further victimized by the blackout policy.

In assessing this deplorable situation, I keep asking, "Why the blackout?" The answers that come from league officials and club owners are a disgraceful affront to the public which, through the Congress, granted professional sports an anti-trust exemption in 1961. Do clubs really need the threat of a blackout to sell tickets? Are professional sports teams waiting for more lucrative payable arrangements to broadcast contests to home fans?

These are questions which I believe can only be answered in good faith by the action of professional sports officials in supporting a program of no blackouts proposed in this legislation. If, after that time, ticket sales are down, then some other means to enlarge America's sports viewing audience can be investigated. I am confident, however, that this will not be the case.

I should add that a very important feature in this bill is that it does not apply to games which are not sold out. In other words, it only becomes operative and allows a local telecast if the game is a stadium sellout 72 hours before the kickoff.

There is no conclusive evidence that lifting the blackout will damage gate receipts. On the contrary, the telecast of sold-out home games will increase a team's local exposure and raise additional revenues through the sale of local television rights.

I hope my colleagues will also consider the fact that in many cities, sports arenas and stadiums are financed by local taxes and bonds. This fact, as well as professional sports' overall dependence upon the support of local fans for success, gives the fans a right to follow their favorite team.

Athletes of all kinds, from little league to olympic medalists, will testify to the enthusiasm of American sports fans.

It is the spirit of a competitive, winning people whose loyalty and fervor often provide the margin of victory in a close contest. These fans deserve much more than blackouts in return for their support. Therefore, I hope that this legislation will be passed.

Mr. BROWN of Ohio. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. KEMP).

(Mr. KEMP asked and was given permission to revise and extend his remarks.)

Mr. KEMP. Mr. Chairman, I am not going to take all of my time.

Much was made of the fact that this legislation is not aimed solely at pro football. Let us face it, this bill is aimed at pro football. Pro football has only seven home games in one season; that is the same number of games as there are in the World Series. Pro football has to do in its season of 7 games what baseball can do in 160 or 170 games. So it is pro football that we are talking about, and let us not kid ourselves about that.

We talked about the 1961 exemption. I tried to make the point earlier to my colleagues that the exemption also applied to every other sport, and the American Football League was under the exemption and the NFL only wanted to be treated like every other sport. It did not affect the blackout. The 1966 exemption which allowed a merger of the American and the National Football Leagues—and I speak from experience, because I was president of the players association at that time—I can say that it was in the interest of the fans and the players alike to merge the two leagues, because I guarantee you, that without that exemption that we in the Congress wisely granted to them—and I was not here at that time—there would not be any teams in pro football today. And perhaps the Buffalo Bills or the San Diego Chargers or Denver or Cincinnati or perhaps the Pittsburgh Steelers who were having trouble in the 1960s and in 1965 at the time of the merger.

The NFL TV policy is not arbitrary or a product of greed, as some charge. It is derived from a conviction shared by all of the member clubs that television is an adjunct to stadium attendance but should never become a substitute for stadium attendance.

I believe that the heart of professional football is to personally witness the games and to enjoy the excitement that is conveyed in a stadium. This excitement is engendered by millions and mil-

lions of people, and it cannot be done in any other way.

I would hope, as I am sure all of the Members do, and I know the sincerity of the gentleman whose legislation this is, that none of us ever want professional football to go the way of a studio sport, and that was boxing.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

(Mr. PEYSER asked and was given permission to revise and extend his remarks.)

Mr. PEYSER. Mr. Chairman, I am taking the floor at this time because I have long learned that in the world of sport your big trouble comes when you think the game is over, and you believe that you have won. Here is an opportunity to win one for sport fans all over the country.

I love sports, as I am sure every Member of this House does. I would never knowingly take any action that would hurt the world of sports, the participants or anybody involved in sports. I think it is of the utmost importance that we enact this legislation now so that we can give the public a real opportunity to share this world of sports without hurting the professional world of sports at all.

We have not yet touched upon a point in this discussion that I think is important we consider, and that is the young kids who are involved in the thickly urban areas such as my own city of New York, who will never have the price of a ticket to one of the Giant games or one of the Jet games, the way the cost of tickets is going these days. This legislation will make it possible for these kids to watch these games on television, which they would not have a chance otherwise to see. It may mean that they can watch all of the games. I think these kids should be entitled to do this.

I have been a season ticket holder of football tickets for over 15 years with the Giants. Now, with the Giants moving out of New York, I and many others who are in that city and on the so-called subway alumni, would just never get a chance to see those games. I think that this legislation gives the fans an opportunity to have a day in court; this is it, right now, and it is a chance for the Members of Congress to make a real touchdown for the public.

I hope we pass this legislation by an overwhelming majority.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New Jersey.

(Mr. RINALDO asked and was given permission to revise and extend his remarks.)

Mr. RINALDO. Mr. Chairman, during my testimony last week to the House Subcommittee on Power and Communication, which handled this legislation, I suggested that the final bill include an enforcement mechanism to guarantee an accurate report on attendance at games.

Although the committee has taken a slightly different approach from the one I recommended, the bill we are consider-

ing here on the floor today satisfies my desires for safeguards against inaccurate reports on game attendance.

Under the provisions of this bill, each team is required to submit to the commissioner of the National Football League detailed reports on attendance at all games. The league commissioner must then file these reports with the Federal Communications Commission, which in turn will prepare annual reports for the Congress.

Because my desires to see fans protected have been satisfied by the provisions of the bill as reported, I shall refrain from introducing amendments I had planned to offer today.

I wholeheartedly favor adoption of this legislation, which restores to football fans the free access to the airwaves that they have been denied for so many years.

I do not believe that this bill will harm the National Football League. I do believe that it will add to the enjoyment of millions of fans who will now have the opportunity to see the games that have been blacked out on their home television screens for so many years.

I know that the football fans of the 12th Congressional District of New Jersey are wholeheartedly in favor of the adoption of this legislation. This point was made by Milt Farb, the distinguished sports editor of the Daily Journal of Elizabeth, N.J. In a column on this subject that appeared on Saturday, September 8, Farb observed that news of this pending legislation "came as gratifying news to the armchair rooters who in the past have been forced to listen to radio coverage of the Giants and Jets when they played at home." Farb also added a point that is just as valid in San Francisco, Miami, and many other NFL cities as it is in Elizabeth, N.J.:

Thousands of Elizabeth area sports fans are unable to purchase tickets for the Giant and Jets home games because of the sellouts.

I cannot accept the National Football League's contention that home television will prompt fans to stay at home. Last year, only about 6 percent of the season tickets purchasers in the NFL were "no shows," and one-third of these stayed home during the last two games when the weather was bad.

Knowing the diehard New York Giants and New York Jets fans in New Jersey as I do, I cannot buy the NFL arguments that this legislation might prompt season ticket holders to stay at home.

I am not one of the fortunate few in my district to have season tickets to either the New York Giants or the Jets. But I know that when I have been offered a ticket to one of their games, I have jumped at the chance. And, home television or not, I would jump at the chance to see either of these teams play in person. I am certain the same can be said for the majority of fans in this country.

Therefore, I urge my colleagues to vote yea on final passage of this, the fans' bill.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 9553, a bill modifying television blackout rules for sold-out sporting events.

The legislation has three basic provisions. Most importantly, it prohibits local television blackouts of all professional baseball, basketball, football, and hockey events that sell out 72 hours prior to a scheduled national telecast involving a league contract. Further, it directs the Federal Communications Commission to conduct annual studies of the ramifications of the bill, with particular emphasis on stadium crowds, and to give its judgment as to whether Congress should renew the measure next year. Finally, Mr. Chairman, the bill permits any individual sports fan to file suit with a U.S. district court to enforce these blackout rules.

My reasons for favoring H.R. 9553 are quite simple. The public has given sports leagues a number of highly valuable special privileges: An exemption from the antitrust laws, so that all the teams in a given league can join together to sell television rights to the networks; access to a scarce public resource, the airwaves; and in many cases, sports complexes, paid for out of the pockets of taxpayers, which enable these teams to accrue healthy profits.

The results of the first privilege are easy to document. Before Congress enacted the antitrust exemption, each sports team had to bargain and sell its television rights individually, which is the way the marketplace is supposed to function in a system of free and competitive enterprise. As a result, in 1961, the last season before the exemption took effect, the median level of revenues from television rights was under \$300,000 per team in the National Football League. A year later, each NFL team's revenues rose to an average of \$332,000, and the contract recently signed for the 1974-76 seasons grants each team \$2.1 million—a rise of 630 percent since 1962. This rise in profits as a consequence of noncompetition is the classic outcome for oligopolies, whether in petroleum, automobiles, or athletics.

The original antitrust exemption also granted teams the right to use the airways selectively—to blackout telecast areas where they desired to do so. This made some sense in 1961, when many teams were struggling to fill stadium seats and stay alive financially. It makes no sense in 1973, when over 95 percent of all stadium seats for all regular season NFL games get sold out, and, as the above figures demonstrate, teams are living high on the hog.

Finally, Mr. Chairman, let me point out that under this new law, blackouts will be automatically reimposed whenever a team genuinely needs them—the legislation lifts blackouts only when all tickets to a given game are sold 72 hours in advance of the event. This generous provision has reduced NFL Commissioner Pete Rozelle to invoking two questionable points in his opposition to the bill. First, in testimony before Congress, he offered a moving elegy for the hot dog and soda pop concessionaires—who may suffer if seats are sold out but their intended occupants opt for catching the game on their televisions instead. Second, he darkly suggested that lifting the blackout would signify the start of the "erosion" of financial stability for pro-

professional sports—which is the “creeping catastrophe” argument usually advanced for positions in whose favor nothing more concrete can be said.

Mr. Chairman, I do not buy the commissioner's reasoning, and I urge my colleagues to support this bill.

Mr. MILLER. Mr. Chairman, while my rural constituency in southeastern Ohio is not affected by professional sports blackouts, I nevertheless strongly support H.R. 9553 and urge its quick enactment.

To me it is patently unfair to deny millions of people from viewing a nationally televised football, baseball, basketball, or hockey game when the event is already a box office sellout simply because they reside in the club's hometown area.

Urban sports fans who in some areas actually subsidize the construction and maintenance of the stadiums in which professional teams play have been unjustly discriminated against. It is time we lift this antitrust exemption and allow the hometown fans to enjoy the game along with the rest of the country.

Mr. LANDRUM. Mr. Chairman, this resolution, in my judgment, is a most unwise proposal. Such action by the Congress places us dangerously near an act of taking private property without due process.

People have supplied massive sums of capital to establish professional football franchises, added additional millions to acquire and develop professional football players; hundreds of thousands of dollars are invested in equipment, management personnel and coaching personnel. Moreover, literally thousands of taxpayers have taken local actions to provide public funds for the construction of stadiums in which these football enterprises will appear. Many cities and county governments are bonded to pay for stadiums, and we move dangerously close, in my judgment, to removing a substantial part of the capacity of these local governments to pay off this public indebtedness.

It appears to me that the Congress may be riding a wave of mass hysteria toward the takeover of private property. One might say even that the chief difference between what we do here riding a wave of hysteria and what Jesse James did is only that Jesse rode a horse.

Mr. DONOHUE. Mr. Chairman, I urge and hope that this bill before us, designed to amend the Federal Communications Act, to provide that no agreement preventing the televising of any professional sports contest at the same time and in the same area in which the contest is taking place would be valid if all tickets for the scheduled contest were purchased 3 days before the date and time of such contest.

In other words, Mr. Chairman, television blackouts of certain professional sport contests could not be instituted in home contest areas where and when the event is a complete sellout 3 days before the contest. It is very clear that contrary to certain criticism the purpose of this proposal is not to offer home fans the option of paying to see professional sport contests in person or seeing them free through television, while tickets remain unsold, but rather to permit home game television when such sporting

events are totally sold out 72 hours before the game time, and at no other time.

In effect, this proposal would grant untold numbers of nonseason ticketholders their only possible opportunity to watch their favorite teams and players in action. In substance, Mr. Chairman, this bill simply extends well-deserved and long-delayed reasonable consideration to millions of sport-minded citizens whose wholesome interest should be, by every reasonable standard, encouraged and not denied. It is rather ironic that the very people who oppose the extension of a limited measure of consideration to professional sport fans are themselves the ones who requested and obtained special legislation to exempt them, for additional profit, from the application of the Federal antitrust laws.

Let us emphasize that this proposed legislation would not apply at any time and in any event that contest seat tickets were available for purchase within 72 hours before scheduled game time; that this legislation would be enacted only for a limited period; and that this bill requires the Federal Communications Commission to conduct a continuing study of the effect of the bill upon professional sports and report the results of its study back to the appropriate committees of the Congress annually so that any revelation of unanticipated, inequitable treatment or unusual hardship could be promptly corrected.

In view of all these circumstances, Mr. Chairman, there is no question at all that the proposal is in the health and wholesome national interest and merits the resounding approval of this House.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 9553, a bill to ban local television blackouts for professional sporting events that are sold out at least 3 days in advance.

Last year almost 70 percent of all professional football games were sold out. Eighty-two percent of the 182 regular season games had attendance of at least 95 percent seating capacity.

In most cities fortunate enough to have a NFL franchise, the chances of attending a regular season home game are almost nonexistent. Scalping of tickets, at greatly inflated prices, has become a lucrative and common practice.

When you consider that most stadiums in this country are financed and owned by the city and its taxpayers, it is ironic that these same taxpayers cannot even get into their own park and are denied the simple pleasure of viewing the game on television.

Due to the increased popularity of sports, the same trend of sold-out games and local blackouts is becoming more frequent in hockey and other sports.

It makes little sense for the owners to deny their hometown fans the opportunity of seeing their favorite teams once they have sold all of their tickets.

Why should my constituents in Oakland County who will soon be welcoming the Lions to a brandnew stadium in Pontiac have to watch a relatively meaningless game from the west coast; especially when the game is being broadcast nationally?

There was a time, to be sure, when local

blackouts could be justified. In 1961, the financial status of the then separate National and American football leagues was uncertain. There was a fear that free television exposure would keep fans away from the park. Some feared that even televising distant games while the home team was playing might kill football the same way too much television exposure hurt professional boxing.

Today, nothing could be farther from the truth. Football has become, if not the new national pastime, one of the most popular sports in this country.

Some objection has been made to the bill on the grounds that once the games are broadcast, people will stay home reducing parking and concession revenues for the teams and the cities. I think the true fans will still want to go to the park and judging by the long waiting lists for season tickets in Washington and other cities for every fan who decides to stay home there will be two to take his place.

Mr. Chairman, with the opening of the regular season only 3 days away, this legislation comes not a bit too soon. As you know, it was almost exactly a year ago at this time that many of us in Congress sought to rescind this same blackout policy.

Twelve years ago Congress gave professional football a break by letting the teams blackout their home games. The shoe is on the other foot now and it is the average fan who deserves consideration. I urge the House to pass this bill and end unnecessary blackouts once and for all.

Mr. VAN DEERLIN. Mr. Chairman, I think it important that we spell out very clearly what constitutes a “sellout” under terms of this bill.

It was made abundantly clear during subcommittee hearings that the football club owners and their commissioner, Pete Rozelle, have no intent of evading the will of Congress in carrying out the bill's provisions. Mr. Rozelle went so far as to assure us that passage of the legislation by both houses would prompt him to trigger its provisions, even in advance of the President's signing it.

Though league officials opposed the new law, they are public spirited men who will not feel inclined to provoke public wrath by withholding tickets from advance sale or otherwise seeking loopholes.

The legislation before the House focuses very clearly on the problem of determining a sellout. It provides a narrow time frame beginning 5 days before each game and ending 3 days or 72 hours before game time. If all tickets for seats which were available for sale to the public 5 days before the game have been sold out 72 hours before the game, the blackout must be lifted.

By approaching the definition of a sellout in this manner, we will protect against the situation where a team, in good faith, seeks to reserve a certain number of tickets for sale on the day of the game, while at the same time, will protect against any likelihood that a team would reserve a large block of tickets which would be put on sale so close to the 72-hour deadline as to pur-

posely frustrate the intent of the legislation.

In addition, the approach in this legislation will not affect the current practice in the NFL of allocating a block of tickets for sale in the city of the visiting team. These tickets, to the extent that they were not available in the home city 5 days before the game, would not be considered in determining a sellout for the purposes of lifting the blackout.

In the interest of local taxpayers who build most of those fine stadiums, let us pass this bill.

Mr. PEPPER. Mr. Chairman, I strongly support this legislation as I did earlier today in the Committee on Rules. I some months ago introduced a comparable bill and submitted a statement in support of my bill, H.R. 9620, before the Subcommittee on Communications and Power of the Committee on Interstate and Foreign Commerce. The people demand that they be able to see important football, baseball, basketball, and hockey games in their own area when others can see them outside the area of the game on television. This is an experimental bill for three seasons. It protects the sports organizations by taking effect only if the events to be televised are sold out 72 hours before the game. I believe that this will add popularity to the games to be televised in the home areas and that attendance at the events will not be diminished by the public broadcast of the game in the home area. If we do find it detrimental or unfair to the sports industries I am sure Congress will be ready to make appropriate adjustments in the law because, of course, Congress wants to be fair to those who make these great games possible as well as to the public which wishes to see them, most of whom cannot get tickets to see them now even in their own areas.

I want to commend the distinguished chairman, Mr. STAGGERS, of West Virginia, and his committee for the promptness with which they have brought this matter to the attention of the Rules Committee and the House.

I also wish to commend Pete Rozelle, NFL commissioner, who has announced the NFL would not wait for the House and Senate even to develop one bill in conference or for the President to sign the bill agreed upon by the Congress. He has said when the House acts on this matter, since Senate action previously taken reflects the sentiment of the Congress, the intent of the legislation will be put into effect immediately so as to permit the televising of games this Sunday in the home areas of the games. This is a splendid example of cooperation with the Congress and the public by Mr. Rozelle in the interest of the lovers of the sports in question.

Pursuant to permission obtained by Chairman STAGGERS, I submit with this statement copy of my statement of September 5 before the Subcommittee of the Committee on Interstate and Foreign Commerce of the House handling this measure.

STATEMENT OF HON. CLAUDE PEPPER, OF FLORIDA, BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS AND POWER

I would like to thank the Subcommittee on Communications and Power for the op-

portunity to testify in favor of H.R. 9620 which would remove the right of a major sports league to impose a television blackout in the home territory of a team playing at home when its game is sold out. This bill would affect the major sports, including football, basketball, baseball and hockey. The teams comprising the leagues in these four major professional sports were granted an exemption by the enactment of Public Law 87-331 in 1961 from the applicability of the antitrust laws to the pooling of the rights to televise their games. The law provides that the exemption will not apply to any joint agreement which would place a limitation on where the games may be shown except within the home territory of a league member on a day when that team is playing at home.

The 1961 law was rushed through the Congress on the eve of the 1961 football season to counteract an adverse judgment which had been rendered against the National Football League by a Federal district court. In the haste to enact that law too great an exemption from the antitrust laws was given professional sports. Changing conditions certainly no longer justify all of the protection which that exemption confers. Indeed, the National Football League voluntarily suspended part of their blackout privilege in 1966 by allowing games of other teams to be shown in the home territories of teams on days when they were playing at home. The NFL made the concession because professional football had become so popular and attendance so strong that home attendance was no longer endangered by the same day telecasting of other games.

Since 1966 the sport of professional football has continued to prosper; many teams have been able to sell out their tickets for the entire season; and communities have been willing to go into great debt in order to build lavish stadiums to house their teams and paying customers. Despite that prosperity, the National Football League made no modification of its practice of blacking out home games even though the inequities and unfairness of unrestricted use of the blackout have become increasingly evident. In the last two years we have seen important championship games denied to fans in the home territory even though all tickets have been sold out. The Miami fan has suffered greatly in this regard. In addition, tickets to play-off games are not made available to the general fan until after the season ticket holder has been given first opportunity. The play-off games in Miami have been easily sold out, but even so, the games were still blacked out in the Miami area.

In several cities, all games are sold out months before the season begins, but even in those cities, the NFL has never allowed the blackout to be lifted. Many of these teams sell out all of their games to season ticket holders who are granted renewal rights year after year; in effect season ticket holders are granted rights-in-perpetuity to their seats. Furthermore, many of the teams in the NFL play in stadiums heavily subsidized by the taxpayer. As a result, the price the season ticket holder pays for his tickets does not cover the full cost of operation when the playing facilities are included; therefore, the taxpayer is actually subsidizing the season ticket holder who already enjoys rights-in-perpetuity to his seat. In a city where all seats are sold out as season tickets, the average taxpayer is unlikely ever to gain admission to a game since the holders of the rights-in-perpetuity will not relinquish their subsidized tickets. The fact that a limited black market exists for the transfer of season tickets at exorbitant prices is of no consolation to the taxpayer-fan.

One solution, which would make everyone happy when a game is sold out, would be to make the game available to all who wish to see it through the technology of television. Unfortunately, the lure of the pot of gold,

which pay cable seems to hold out, has made sports' leagues unwilling to modify their blackout practices. Professional sports owe a great deal of their popularity and prosperity to television. Professional football alone will receive \$46 million this year for the television rights to their games. Since Congress has made much of this wealth possible by granting an antitrust exemption to professional sports, it is our duty not to let the quest for gain in these sports to run rampant over that exemption. The American fan has given great support to professional sports and deserves something in return for that loyalty. Congress can reward the fan by modifying the antitrust exemption. Therefore, I support H.R. 9620 which would remove the blackout privilege for teams in the major sports whenever their home games are sold out 48 hours prior to game time.

Mr. BROWN of Ohio. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

H.R. 9553

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:*

"BROADCAST OF SOLDOUT PROFESSIONAL HOME GAMES

"SEC. 31. (a) If (1) during the one-year period which begins on the date of enactment of this section, any professional football, baseball, basketball, or hockey game is broadcast under the authority of a league television contract, and (2) tickets of admission to such game are no longer available for purchase by the general public forty-eight hours or more before the scheduled beginning time of such game, then television broadcast rights shall be made available for television broadcasting of such game at the time at which and in the area in which such game is being played.

"(b) For the purposes of this section, the term 'league television contract' means any joint agreement by or among persons engaging in or conducting the organized professional team sports of football, baseball, basketball, or hockey, by which any league of clubs participating in professional football, baseball, basketball, or hockey contest or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games of football, baseball, basketball, or hockey, as the case may be, engaged in or conducted by such clubs."

With the following committee amendment in the nature of a substitute:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:*

"BROADCAST OF GAMES OF PROFESSIONAL SPORTS CLUBS

"SEC. 331. (a) If any game of a professional sports club is to be broadcast by means of television pursuant to a league television contract and all tickets of admission for seats at such game which were available for purchase by the general public one hundred and twenty hours or more before the scheduled beginning time of such game have been purchased seventy-two hours or more before such time, no agreement which would prevent the broadcasting by means of television of such game at the same time and in the area in which such game is being played shall be valid or have any force or effect. The right to broadcast

such game by means of television at such time and in such area shall be made available, by the person or persons having such right, to a television broadcast license on reasonable terms and conditions.

"(b) If any person violates subsection (a) of this section, any interested person may commence a civil action for injunctive relief restraining such violation in any United States district court for a district in which the defendant resides or has an agent. In any such action, the court may award the costs of the suit including reasonable attorneys' fees.

"(c) For the purposes of this section:

"(1) The term 'professional sports club' includes any professional football, baseball, basketball, or hockey club.

"(2) The term 'league television contact' means any joint agreement by or among professional sports clubs by which any league of such clubs sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games engaged in or conducted by such clubs.

"(3) The term 'agreement' includes any contract, arrangement, or other understanding.

"(4) The term 'available for purchase by the general public', when used with respect to tickets of admission for seats at a game to be played by a professional sports club, means only those tickets on sale at the stadium where such game or games are to be played, or, if such tickets are not sold at such stadium, only those tickets on sale at the box office closest to such stadium.

"(d) The Commission shall conduct a continuing study of the effect of this section and shall, not later than April 15 of each year, submit a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with respect thereto. Such report shall include pertinent statistics and data and any recommendations for legislation relating to the broadcasting of professional football, baseball, basketball, and hockey games which the Commission determines would serve the public interest."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STAGGERS TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. STAGGERS. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS to the committee amendment in the nature of a substitute: Page 4, insert after line 22 the following:

SEC. 2. Section 331 of the Communications Act of 1934 (as added by the first section of this Act) is repealed effective December 31, 1975.

Mr. STAGGERS. Mr. Chairman, I will not take 1 minute, and probably less than 1 minute.

We have said that we are not going to make this permanent legislation; that we will go along with the Senate-passed bill and make it for a short period of time. And as the amendment reads, that it will be repealed on December 31, 1975. This gives us three football seasons in

which to find out if the legislation is working properly. I hope the amendment is agreed to.

Mr. JAMES V. STANTON. Mr. Chairman, I move to strike the last word.

(Mr. JAMES V. STANTON asked and was given permission to revise and extend his remarks.)

Mr. JAMES V. STANTON. Mr. Chairman, I would like to ask the chairman of the subcommittee, Mr. MACDONALD, a question.

What constitutes a sellout under this proviso?

Mr. MACDONALD. Language regarding a sellout under this proviso of the bill is contained on page 2 starting with line 22, which I will read:

SEC. 331. (a) If any game of a professional sports club is to be broadcast by means of television pursuant to a league television contract and all tickets of admission for seats at such game which were available for purchase by the general public.

Mr. JAMES V. STANTON. Mr. Chairman, then it is my understanding that, for example, in the Cleveland stadium that has a capacity of 80,000 seats, if the 5,000 standing room tickets, up to 5,000 that are available in that stadium, are sold out, then these will not be counted as seats.

Mr. MACDONALD. It is true, not just in Cleveland but in every one of the 26 league cities that unless they are totally sold out, that is, totally sold out for paid admission for seats, the blackout is not lifted. In the Browns case Mr. Modell, who I know relies heavily on the selling of standing room, and who appeared before the committee voluntarily indicated that while this has been a continued source of revenue, as far as the sellout of Cleveland is concerned, the standing room will not be counted.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I think the chairman of the subcommittee misspoke. If the seats are sold out, never mind whether the standing room is sold out, the blackout is lifted.

Mr. MACDONALD. If there is no sellout of all available seats, there is a blackout, and vice versa.

Mr. BROWN of Ohio. And the blackout is lifted whether or not the standing room is sold out?

Mr. MACDONALD. Yes. That we discussed for a period of about 2 weeks, and I might say this was no Gulf of Tonkin resolution. We had 2 weeks of hearings.

Mr. JAMES V. STANTON. Mr. Chairman, I appreciate the consideration given by the subcommittee and the Members, and I appreciate their thoughtfulness on the proposition. I should just like to point out that there are clubs that are not sold out, who will have some real difficulties with this legislation.

For example, there are 52,000 season tickets sold in Cleveland in an 80,000-seat stadium. We do not know 2 years from now or a year and a half from now the impact on season ticket sales this will have, whether they will go down or up. I want to advise the House—and I have the assurance of the chairmen of the committee and the subcommittee—

that if it has an adverse effect economically on the club, this committee will reconsider the legislation before the time of expiration, as proposed by the subcommittee. Is that correct?

Mr. MACDONALD. That is correct. According to the legislation, the FCC reports to our committee on or before April 15 of each year.

Mr. JAMES V. STANTON. I thank the gentleman very much. I yield back the balance of my time.

Mr. FROELICH. Mr. Chairman, I rise in support of the amendment.

(Mr. FROELICH asked and was given permission to revise and extend his remarks.)

Mr. FROELICH. Mr. Chairman, I had intended to offer a 1-year limitation on this bill. But in view of the limitation being offered by the committee chairman, Mr. STAGGERS, I will withhold my amendment and support his limitation. I hope that the Senate compromises this down to 1 or 2 years in conference.

Mr. Chairman, I have the privilege of representing a district in northeastern Wisconsin that includes the city of Green Bay. Hardly a man is now alive who does not associate this community with its professional football team—the Green Bay Packers.

The Packers are very important to Green Bay, and this bill is important to the Packers. They are deeply concerned about the impact of this bill on their future operations.

I realize that this bill will be tremendously popular with millions of people. It will give them something they desperately want—and give it to them for nothing. I am not against sharing the wealth in this instance with nonticket-holding fans. But, I want an assurance that professional football will not be the loser, and thus in the end, that professional football fans will be the loser.

The committee report on this bill proudly states:

Enactment of this legislation will not involve any costs to the Federal Government.

But we should not delude ourselves with the notion that this bill has no costs.

It is going to cost professional football big money, if not immediately, at least over a period of time. Will it also affect the quality of professional football directly or indirectly?

We cannot be certain today about all the interests that will be affected and perhaps hurt by this bill. That is why we should require ourselves to consider this bill 10 or 11 months from now. We should do more than simply commit ourselves to "study" the evidence.

We have some evidence now that has been virtually ignored.

Pete Rozelle contends that—

If the public becomes accustomed to receiving without charge the same product which it is being asked to buy, there will inevitably be a steady erosion of ticket-buying interest. Ultimately, ticket-buying habits and actual game attendance will be significantly affected . . .

The committee has evidence to support this contention. It took a poll of present season ticketholders.

It asked the question: "If a law were enacted providing for televising your team's home games in your area, would



you continue to purchase a season ticket?"

Sixty-eight percent of the respondents from Green Bay said "yes." Thirty-two percent said "no" or "undecided."

Of the respondents from Kansas City, 40 percent of the season ticketholders said "no" or "undecided."

The committee asked the question: "Was the fact that NFL home games are not televised locally an important reason in your original decision to purchase season tickets?"

Twenty-one percent of the respondents from Green Bay said "yes"—32 percent of the respondents from Kansas City said "yes"—49 percent of the respondents from Dallas said "yes."

Already some season ticketholders have called the Green Bay business office and asked to turn in their tickets.

Is it any wonder that pro football is concerned about the potential impact of this bill on game attendance.

Pete Rozelle contends that even if a game is completely sold out, "no shows" will constitute a problem—first, because attendance for home games is an essential ingredient in competitive sports, and, second, because the revenues from concessions depend upon attendance.

In Green Bay, the revenues from concessions go—not to the club—but to the city of Green Bay.

In Green Bay, the revenues from parking go—not to the club—but to the city of Green Bay.

When people do not show up at the stadium, the city of Green Bay loses money.

The House should know that the committee's study revealed that in Green Bay 65 percent of the respondents had to drive more than 30 minutes to get to the stadium—17 percent had to drive more than 90 minutes.

Forty-seven percent lived more than 25 miles from the stadium.

Obviously, in Green Bay, many patrons do not live a mile or two from the stadium.

In Green Bay, the weather is often cold—very cold. Many of you remember the game that was played at 13 below.

The conclusion is inescapable that when vast numbers of fans have to drive long distances to get to the stadium on days when the weather is inclement and perhaps bitterly cold—and people have the option of watching the action from the comfort of their own living rooms—the potential for massive "no shows" is very great. An empty stadium, itself, will affect the game quality to some extent.

"No shows" could cost the city of Green Bay a bundle of money—and the same thing could happen in many other communities.

The truth is that last January in Los Angeles—when the Miami Dolphins played the Washington Redskins in the Super Bowl—the game was sold out, the temperature was in the mid-80's, the weather was fine—but 10 percent of the seats were unoccupied.

A third concern relates to the radio revenues that come to the pro football clubs. When home games are not televised, many people listen to those home games on the radio. In Green Bay, radio

contracts are an important part of the club's revenues. But the value of these radio contracts will plummet dramatically if the home games are broadcast on television. This year's contracts are signed and sealed. If home games are broadcast on television, the sponsors and advertisers of the radio games will take the loss. However, next year, when the contracts must be renegotiated, the Green Bay club will not be able to sign an \$85,000 contract for radio rights. The contract will necessarily be much smaller. The club will lose income.

These are three reasons why I feel uneasy about the impact of this bill on the Green Bay Packers. The Packers are a nonprofit corporation. Their margin in the black last year was only \$480,203.

I think the very least that a responsible Congress should do is to put a 1-year termination date on this bill so that we force ourselves to consider a new bill in light of the experience that develops.

A 1-year clause is in the Senate bill. A 1-year clause was in the Parris bill that had about 60 cosponsors. A 1-year clause will not hurt any football fan in this country.

I appeal to the House to incorporate a limitation in this bill so that we do not go too far too fast, to the detriment of professional sports. I hope there is a conference committee and that the 3-year limitation be reduced to 1 or 2 years.

Mr. Chairman, some of my fears are derived from articles as recently appeared in the Green Bay Press-Gazette and the Washington Post, which I include for the information of the Members:

[From the Green Bay Post-Gazette]

#### OUT OF BOUNDS?

(By Len Wagner)

It's beginning to look as though all you people out there in Packerland who have been waiting five or 10 years for season tickets to Lambeau Field are not going to have to wait much longer.

In fact, you may have the best seat available for the Pack's Green Bay opener against the Detroit Lions Sept. 23. Your sitter will be comfortably passed. The sun won't be in your eyes. If it's raining, you'll be dry. And the beer will be both handy and relatively inexpensive. Your field of vision may be crowded a bit but instant replay more than offsets that.

Yup, you may very well be able to watch that game right on your own television, even if you live on Ridge Road, within punting distance of the stadium.

It appears that congress is about to zap through a bill which would lift the NFL-imposed blackout on home game television when the stadium is sold out 72 hours in advance. And President Nixon's pen is already drooling in anticipation of signing the measure.

There will be some NFL cities where the bill will be meaningless. Not all stadiums are sold out for every game, particularly 72 hours in advance. But in Green Bay, judging by the 12,000 people on the waiting list for season tickets, the stadium has been sold out for 72 years.

I suspect that once the bill is passed . . . and reports from Washington indicate there is little doubt that it will pass . . . there will be some devout thanks offered by many hometown fans. The politicians will be heroes.

But I also suspect that Pete Rozelle and the NFL will not give in very easily. Neither

will the thousands of fans who purchased season tickets at exorbitant prices with the understanding that there would be no home television available.

Might not there be some legal question about this type of action? Don't you think there will be a series of injunctions and rulings and appeals on this whole question?

If there isn't there darn well ought to be!

As a season ticket buyer, I would be up in arms . . . particularly considering the schedule the Packers have this year. Home games on Nov. 4, Nov. 11 and Dec. 8. It's going to be a lot warmer in front of my TV set than it will be in the stadium on those days. I would consider myself bilked . . . not by the NFL this time, but by my own elected representatives, my own government.

Government stepping into private business is hardly news. Price controls have sent the entire country into an uproar. But in this case, the government is stepping into the marketing procedures of a product. In effect, it is saying that after you sell so much of your product, you must give it away free. Imagine your local grocery store being ordered to sell only to the first 100 customers Monday and then to give away groceries to the rest of the people coming in that day. Let me ask a couple other questions . . .

After this first step, how long do you think it will take before the 72 hour sellout restriction is removed?

And then how long do you think it will take before the stadiums are turned into oversized TV studios and you are required to drop a quarter into a little box attached to your television set every half hour in order to see a football game? Or Basketball game? Or baseball game? Or Miss America Pageant? Or All in the Family?

Before you slobber your thanks all over Pastore and Proxmire and the other blackout lifters, maybe you should consider the alternatives the future . . . even the near future . . . may offer.

[From the Washington Post, Sept. 12, 1973]

#### BLACKOUT BAN BIDS TO DARKEN NFL FUTURE

(By Bob Addie)

It perhaps is only coincidental that football, one of President Nixon's favorite sports, should provide the diversion from Watergate than he continually urges on Congress.

The House now is involved in a "two-minute drill" in trying to get the ban on television blackouts approved before opening of the National Football League season Sunday. The bill passed the Commerce Committee yesterday and is due full House consideration Thursday.

The first of the "ban-the-blackout" bills was introduced April 14, 1971, according to attorney Philip A. Hochberg who wrote a detailed study on "The Legislative Attack in the 92d Congress on Sports Broadcasting Practices," for the New York Law Review. Hochberg, a communications lawyer, doubles as Redskin press box announcer. Sen. William Proxmire (D-Wis.) was the one who opened the sluice gates on the sports bills.

Proxmire was trying to lift home blackouts by lifting the antitrust exemption of the league's pooling contract after the 1971 Super Bowl blackout in Miami was not lifted. Perhaps that's one decision NFL commissioner Pete Rozelle rules today.

Rozelle had plenty of precedent from baseball, which never has blacked out World Series or All-Star games. However, there is evidence baseball commissioner Bowie Kuhn, noting empty seats at playoff games, was about to institute his own home blackout.

Sen. John O. Pastore (D-R.I.) finally got Rozelle to lift the blackout for this year's Super Bowl in Los Angeles after the Miami Dolphins and Redskins sold out.

The result's were interesting and could point to a problem for owners. Despite a fine day in Los Angeles, with the temperature in the mid-80s, some 10 per cent of the seats

were unoccupied. Possibly more serious than lost concessions revenue, a Rozelle complaint is the fact that people preferred to give up paid seats to watch the game on television.

The blackout bill, which should sail through the House as it did in the Senate, undoubtedly is being watched closely by baseball and could affect the vote by the National League next Wednesday on the shift of the San Diego franchise to Washington.

Rep. B. F. Sisk (D-Calif.), who quarter-backed the baseball franchise shift, did not attempt subtlety at the baseball winter meetings in Phoenix in 1971. Armed with a "mandate" from his House colleagues, Sisk bluntly suggested that if Washington did not get another franchise, Congress would take a "closer look" at the antitrust exemption enjoyed by baseball.

The threat sufficiently worried Kuhn that he has worked quietly with Sisk in trying to get another franchise. Most baseball people feel Congress is bluffing. But the television blackout bill now speeding through the House should give baseball people pause.

Twelve of the 26 teams in the NFL have season-ticket sellouts. These include the Redskins and both New York teams. The House bill would prohibit local blackouts if the game is sold out 72 hours in advance. The Senate bill, passed by a 76-6 margin last year, would limit the blackout ban to one year as an experiment. The House bill has no limit.

Congress' absorption with sports is apparent in this remarkable statistic supplied by Hochberg: 47 bills were introduced in the 92d Congress which would have had repercussions on sports and telecasting policies.

Some complain the antiblackout bill is the result of personal pique by legislators who cannot get Redskin tickets. The lawmakers have plenty of support because few people will turn down anything free.

But it seems to be conveniently forgotten by Congress that pro football had a long struggle to get where it is and the owners have run their business with admirable efficiency. Are they really "greedy" or do they have the right, in a system of free enterprise (which doesn't mean giving away home games) to a profit?

Pro football, like everything else, has been hit by spiraling costs. Ticket prices have been raised, preseason schedules have been expanded, and other economy measures have been instituted. But nobody ain't fooling nobody. TV still is the golden crutch.

Personal feeling is that if the ban on TV blackouts is enacted, more than half of all season ticket-holders will stay home and watch the tube.

Any eventually the government may find itself passing new legislation—to subsidize the sport.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS) to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. MACDONALD TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. MACDONALD. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD to the committee amendment in the nature of a substitute: Page 3, insert immediately before the period at the end of line 11 the following: "unless the broadcasting by means of television of such game at such time and

in such area would be a telecasting which section 3 of Public Law 87-331, as amended (15 U.S.C. 1293), is intended to prevent".

Mr. MACDONALD. Mr. Chairman, this amendment is a very simple one. All it really does is clarify existing law already on the books to protect high school and college football from the leagues. So this has been contained in the reports, both in the Senate and the House reports, but it was felt in order to make this perfectly clear we had better make this technical change.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. CARNEY OF OHIO TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. CARNEY of Ohio. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. CARNEY of Ohio in the nature of a substitute: Page 2, line 22, insert "(1)" immediately after "(a)". Page 3, insert after line 11 the following:

"(2) The right to broadcast any game of a professional sports club by means of television shall be made available, by the person or persons having such right and on reasonable terms and conditions, to television broadcast licensees the transmitters of which are located more than fifty miles from the main post office of the city in which such game is to be played.

(Mr. CARNEY of Ohio asked and was given permission to revise and extend his remarks.)

Mr. CARNEY of Ohio. Mr. Chairman, I want to express my wholehearted support of legislation permitting local television stations to broadcast a professional sports event involving their home team whenever the event is sold out 72 hours before it is scheduled to begin. I believe that this is a fair and reasonable proposal which should be adopted. However, it is inadequate in its present form.

Mr. Chairman, I strongly recommend that this legislation be amended to prohibit television blackouts of professional sports events from extending for more than 50 miles of the main post office of the city in which the game is played. A 50-mile limit on television blackouts should be established for all professional sports events, regardless of whether they are sold out in advance or not.

The "home territory" of a professional team is not defined by law. The National Football League has defined "home territory" as "the surrounding territory to the extent of 75 miles in every direction from the exterior corporate limits of a home city." Consequently, a community, any part of which is within 75 miles of a professional football game, is subject to a television blackout. Some cities which are more than 75 miles away also are subject to a television blackout.

Mr. Chairman, the city of Youngstown, Ohio, which I represent, has no profes-

sional football, baseball, basketball, or hockey teams. Youngstown lies approximately 65 miles southeast of Cleveland, Ohio and approximately 65 miles west of Pittsburgh, Pa. At the present time, professional games played by the Cleveland Browns in Cleveland, and by the Pittsburgh Steelers in Pittsburgh, are not televised in the Youngstown area even though Youngstown is not the home community of either of these teams. The Youngstown area is the only area in the country which is caught both ways. Television blackouts of the Youngstown area are imposed by both the Cleveland Browns and the Pittsburgh Steelers professional football teams.

Mr. Chairman, there are thousands of Cleveland Browns' fans and Pittsburgh Steelers' fans in the Youngstown area who are unable to purchase tickets for these games or to travel the approximately 125 to 150 miles roundtrip to attend these games. There is no practical way for these fans to see their team play.

The area blacked out for Baltimore and Washington games extends far beyond the respective neighboring city. The closest stations televising the Washington games are in Richmond, Va., and York, Pa.—129 and 75 air miles away. The stations in Hagerstown and Salisbury, Md., 64 and 84 miles from Washington, although not designated for blackout, are unable to televise the games.

Philadelphia games are blacked out in the Harrisburg-Lancaster-Lebanon area and the Scranton-Wilkes-Barre area. These areas are 98 and 107 air miles respectively from Philadelphia. An official from a Scranton television station testified that less than one busload of people from Scranton go to Philadelphia games.

The 75-mile limitation is not applied to the Denver area. Consequently, no resident in the State of Colorado can see any of the Denver home games. The NFL designated the stations in Colorado Springs, and Pueblo, Colo., for blackouts. These stations are 70 and 98 air miles respectively from Denver.

The survey of season ticket patrons disclosed that only 9 percent of the patrons responding came from distances exceeding 50 miles. Moreover, only 13 percent of these patrons—1 percent of the total patrons—indicate that if a law is enacted providing for televising home games in local areas, they would not continue to purchase season tickets. It is, therefore, obvious that blacking out stations outside the home city of the club is particularly unwarranted.

Mr. Chairman, I believe that a 50-mile limit for television blackouts of professional sports events is sufficient to protect the interests of professional sports and at the same time guarantee the rights of the viewing public.

The Federal Communications Commission would be required to study the effect of this provision and to report to the Congress by April of each year.

Mr. Chairman, I urge the House to agree to this amendment.

Mr. Chairman, yesterday I wrote a "Dear Colleague" letter to the 434 Members of the House of Representatives so-

liciting support for an amendment to H.R. 9553 which would limit television blackouts of professional games to not more than 50 miles from the main post office of the city in which the game is played. This amendment would prohibit television blackouts of professional sports events from extending beyond 50 miles even if a professional game is not sold out 72 hours before it is scheduled to begin.

A copy of my amendment together with a tentative list of the cities which would benefit from this amendment was attached to my letter. Mr. Chairman, I insert a copy of my letter and attachment in the Record at this time:

HOUSE OF REPRESENTATIVES,

Washington, D.C., September 12, 1973.

DEAR COLLEAGUE: On Thursday, September 13, 1973, the House will consider H.R. 9553, a bill to prohibit television blackouts of professional games which are sold out more than 72 hours before such games are scheduled to begin.

I will offer an amendment to H.R. 9553 which would limit television blackouts of professional games to not more than 50 miles from the main post office of the city in which the game is played, regardless of whether the game is sold out in advance or not.

Presently, the "home territory" of a professional team is not defined by law. However, the National Football League has defined "home territory" to include a com-

munity any part of which is within 75 miles of the site of a game.

For example, Youngstown, Ohio, which lies 65 miles southeast of Cleveland, Ohio, and 65 miles west of Pittsburgh, Pennsylvania, is blacked-out by both the Cleveland Browns and the Pittsburgh Steelers.

Clearly, Youngstown is not the home community of either of these teams. Football fans in the Youngstown area often are unable to purchase tickets for the Browns' or Steelers' games, or to travel the approximately 125-to-150 miles roundtrip to see these games. Many other American cities are in a similar situation with respect to at least one professional football team.

A 50-mile limit on television blackouts of home professional football games is sufficient to protect the interests of the National Football League, and is necessary to guarantee the rights of the viewing public. Therefore, I respectfully request your support of this amendment.

With best wishes, I am

Sincerely yours,

CHARLES J. CARNEY,

Member of Congress,

19th Ohio District.

P.S.—A copy of the amendment together with a tentative list of the cities benefitting from this amendment is attached.

AMENDMENT OFFERED BY MR. CARNEY

"The right to broadcast any game of a professional sports club by means of television shall be made available, by the person or persons having such right and on reasonable terms and conditions, to television broadcast

licensees the transmitters of which are located more than fifty miles from the main post office of the city in which such game is to be played."

TENTATIVE LIST OF CITIES BENEFITTING FROM 50-MILE TELEVISION BLACKOUT LIMIT\*

Team Home City and Cities Benefiting

Baltimore—Hagerstown, Harrisburg, and Lancaster.

Boston—Providence and Manchester, N.H.

Buffalo—Rochester and Erie.

Cincinnati—Lexington.

Cleveland—Youngstown and Canton.

Denver—Pueblo.

Dallas—Waco, Tyler, and Sherman.

Detroit—Lansing, Toledo, and Flint.

Green Bay—Wausau and Milwaukee.

Houston—Lufkin, Bryan, and Beaumont.

Kansas City—Topeka and St. Joseph.

Los Angeles—San Diego.

Miami—West Palm Beach.

Minneapolis/St. Paul—Mankato, Mason

City, Alexandria, Rochester, and Austin.

New Orleans—Baton Rouge.

Oakland—Sacramento and Salinas/Monterey.

Philadelphia—Harrisburg, Scranton, Lancaster, and Wilkes-Barre.

Pittsburgh—Altoona, Steubenville, Johnstown, Youngstown, Wheeling, and Clarksburg/Weston.

San Francisco—(Same as Oakland).

San Diego—Los Angeles.

\*Tentative List of Cities was hastily prepared and may not be complete or entirely accurate.

SCHEDULE C-1

TOTAL ATTENDANCE AT NFL REGULAR-SEASON GAMES, 1958-72

Season	Games played	Total attendance	Average	
			Per game	Per club
1958	72	3,006,124	41,752	250,510
1959	72	3,140,409	43,617	261,700
1960	134	4,047,452	30,204	192,735
1961	154	4,985,756	32,375	226,625
1962	154	5,150,722	33,446	234,124
1963	154	5,405,384	35,100	245,699
1964	154	6,010,924	39,032	273,224
1965	154	6,571,156	42,670	253,234

Season	Games played	Total attendance	Average	
			Per game	Per club
1966	168	7,497,413	44,627	312,392
1967	175	8,304,784	47,456	332,191
1968	182	8,516,817	46,796	327,569
1969	182	8,939,577	49,119	343,829
1970	182	9,533,333	52,381	366,666
1971	182	10,076,035	55,363	383,693
1972	182	10,445,827	57,395	401,762

ATTENDANCE AT NFL REGULAR-SEASON GAMES BY CLUB, 1970-72

Club	Attendance			Difference	
	1970	1971	1972	1970-71	1971-72
Atlanta	396,191	403,289	403,578	7,098	289
Baltimore	408,275	400,782	392,320	(7,493)	(8,462)
Buffalo	274,498	270,808	309,814	(3,690)	39,006
Chicago	315,288	381,191	385,906	65,903	4,715
Cincinnati	399,813	408,773	403,616	8,960	(5,157)
Cleveland	543,110	517,147	505,360	(25,963)	(11,787)
Dallas	387,866	439,428	431,751	51,562	(7,677)
Denver	349,802	353,347	355,693	3,545	2,346
Detroit	388,503	375,196	374,053	(13,307)	(1,143)
Green Bay	361,737	361,473	361,302	(264)	(171)
Houston	285,441	283,763	276,291	(1,678)	(7,472)
Kansas City	334,543	332,683	546,124	(1,860)	213,441
Los Angeles	473,212	477,184	473,914	3,972	(3,270)
Miami	413,422	464,658	544,162	51,236	79,504
Minnesota	320,006	329,220	329,037	9,214	(183)
New England	233,800	396,946	421,243	163,146	24,297
New Orleans	456,750	525,586	444,075	68,836	(81,511)

Club	Attendance			Difference	
	1970	1971	1972	1970-71	1971-72
New York Giants	437,977	438,000	438,669	23	669
New York Jets	428,373	428,916	430,442	543	1,526
Oakland	368,946	369,915	367,078	969	(2,837)
Philadelphia	381,147	450,100	455,013	68,953	4,913
Pittsburgh	318,698	318,472	335,335	(226)	16,863
St. Louis	323,406	341,718	337,545	18,312	(4,173)
San Diego	298,646	326,886	347,349	28,240	20,463
San Francisco	287,154	316,560	410,811	29,406	94,251
Washington	346,729	363,994	365,346	17,265	1,352
Total	9,533,333	10,076,035	10,445,827	542,702	369,792
Capacity	10,456,331	10,562,397	10,941,447	106,066	379,050
Percent of capacity in attendance	91.0	95.0	95.0		
Percent of increase in attendance		5.7	3.7		
Percent of increase in capacity		1.0	3.6		

SCHEDULE C-3

POPULATION GROWTH IN NFL HOME TERRITORIES

Club <sup>1</sup>	Metropolitan area population		Percent change
	1970	1960	
Baltimore	2,070,670	1,803,745	14.8
Buffalo	1,349,211	1,306,927	3.2
Chicago	6,978,947	6,220,913	12.2
Cleveland	2,064,194	1,909,483	8.1
Dallas	1,555,950	1,119,410	39.0
Denver	1,227,529	929,383	32.1

Club <sup>1</sup>	Metropolitan area population		Percent change
	1970	1960	
Detroit	4,199,931	3,762,360	11.6
Green Bay	158,244	125,082	26.5
Milwaukee	1,403,688	1,278,850	9.8
Houston	1,985,031	1,418,323	40.0
Kansas City	1,253,916	1,092,545	14.8
Los Angeles	7,032,075	6,038,771	16.4

Club <sup>1</sup>	Metropolitan area population		Percent change	Club <sup>1</sup>	Metropolitan area population		Percent change
	1970	1960			1970	1960	
Boston (New England).....	2,753,700	2,595,481	6.1	San Diego.....	1,357,854	1,033,011	31.4
New York.....	11,571,899	10,694,633	8.2	San Francisco/Oakland.....	3,109,519	2,648,762	17.4
Philadelphia.....	4,817,914	4,342,897	10.9	Washington.....	2,861,123	2,076,610	37.8
Pittsburgh.....	2,401,245	2,405,435	7.02	Total.....	62,515,657	54,907,350	12.2
St. Louis.....	2,363,017	2,104,669	12.3				

<sup>1</sup> Considered only clubs in existence in 1960.

Source: Compiled from "Number of Inhabitants, U.S. Summary, U.S. Department of Commerce, Bureau of the Census, December 1971."

## SCHEDULE C-4

## INCREASE IN ATTENDANCE, 1960-70

Club <sup>1</sup>	1960		Percent change	Club <sup>1</sup>	1960		Percent change
	1960	1970			1960	1970	
Baltimore.....	333,031	408,275	22.5	New York Giants.....	353,035	437,977	24.1
Buffalo.....	111,800	274,498	145.5	New York Jets.....	114,628	428,373	273.7
Chicago.....	257,443	315,288	22.5	Oakland.....	69,122	368,946	433.8
Cleveland.....	316,247	543,110	71.7	Philadelphia.....	254,017	381,147	50.1
Dallas.....	64,302	387,866	503.2	Pittsburgh.....	155,677	318,698	104.7
Denver.....	91,333	349,802	283.0	St. Louis.....	133,627	323,406	142.0
Detroit.....	288,558	388,503	34.7	San Diego.....	110,376	298,646	170.6
Green Bay/Milwaukee.....	282,892	361,737	27.9	San Francisco.....	297,516	287,154	-3.5
Houston.....	140,137	283,441	102.3	Washington.....	144,621	346,729	139.8
Kansas City.....	171,500	334,543	95.1	Total.....	4,131,869	7,545,151	82.6
Los Angeles.....	331,477	473,212	42.8				
New England.....	110,260	233,800	112.0				

<sup>1</sup> Considered only clubs in existence in 1960.

## SCHEDULE C-5

## POPULATION GROWTH IN NATIONAL FOOTBALL LEAGUE HOME TERRITORIES

Club	Metropolitan area population			Percent change			Club	Metropolitan area population			Percent change		
	1970	1960	1950	1960-70	1950-60	1950-70		1970	1960	1950	1960-70	1950-60	1950-70
Atlanta.....	1,390,164	1,017,188	726,989	36.7	39.9	91.2	Miami.....	1,267,792	935,047	495,084	35.6	88.9	157.0
Baltimore.....	2,070,670	1,803,745	1,457,181	14.8	23.8	42.1	Minneapolis.....	1,813,647	1,482,030	1,151,053	22.4	28.8	57.6
Buffalo.....	1,349,211	1,306,957	1,089,230	3.2	20.0	23.9	Boston (New England).....	2,753,700	2,595,481	2,414,368	6.1	7.5	14.1
Chicago.....	6,978,947	6,220,913	5,177,868	12.2	20.1	34.8	New Orleans.....	1,045,809	907,123	712,393	15.3	27.3	46.8
Cincinnati.....	1,384,851	1,268,479	1,023,245	9.2	24.0	35.3	New York.....	11,571,899	10,694,633	9,555,943	8.2	11.9	21.1
Cleveland.....	2,064,194	1,909,483	1,532,574	8.1	24.6	34.7	Philadelphia.....	4,817,914	4,342,897	3,671,048	10.9	18.3	31.2
Dallas.....	1,555,950	1,119,410	780,827	39.0	43.4	99.3	Pittsburgh.....	2,401,245	2,405,435	2,213,236	-0.2	8.7	8.5
Denver.....	1,227,529	929,383	612,128	32.1	51.8	100.5	St. Louis.....	2,363,017	2,104,669	1,755,334	12.3	19.9	34.6
Detroit.....	4,199,931	3,762,360	3,016,197	11.6	24.7	39.2	San Diego.....	1,357,854	1,033,011	755,808	31.4	85.5	143.9
Green Bay.....	158,244	125,082	98,314	26.5	27.2	61.0	San Francisco/Oakland.....	3,109,519	2,648,762	2,135,934	17.4	24.0	45.6
Milwaukee.....	1,403,688	1,278,850	1,014,211	9.8	26.1	38.4	Washington.....	2,861,123	2,076,610	1,507,848	37.8	37.7	89.7
Houston.....	1,985,031	1,418,323	935,539	40.0	51.6	112.2	Total.....	69,417,920	60,517,217	48,633,694	14.7	24.4	42.7
Kansas City.....	1,253,916	1,092,545	848,655	14.8	28.7	47.8							
Los Angeles.....	7,032,075	6,038,771	4,151,687	16.4	45.5	69.4							

Source: Compiled from "Number of Inhabitants, U.S. Summary", U.S. Department of Commerce, Bureau of the Census, December 1971.

## SCHEDULE C-6

## INCREASE IN ATTENDANCE AT NFL REGULAR-SEASON GAMES, 1961-72

(From enactment of antitrust exemption to date)

Club <sup>1</sup>	1961		Increase 1961-72	Percent of increase 1961-72	Club <sup>1</sup>	1961		Increase 1961-72	Percent of increase 1961-72
	1961	1972				1961	1972		
Baltimore.....	381,429	392,320	10,891	2.9	New England.....	116,510	421,243	304,733	261.6
Buffalo.....	133,408	309,814	176,406	132.2	New York Giants.....	423,819	438,669	14,850	3.5
Chicago.....	298,063	385,906	87,843	29.5	New York Jets.....	106,619	430,442	323,823	303.7
Cleveland.....	403,961	505,360	101,399	25.1	Oakland.....	53,582	367,078	313,496	585.1
Dallas.....	95,487	431,751	336,264	352.2	Philadelphia.....	395,246	455,013	59,767	15.1
Denver.....	74,508	355,693	281,185	377.4	Pittsburgh.....	153,010	335,335	182,325	119.2
Detroit.....	327,698	374,053	46,355	14.2	St. Louis.....	139,242	337,545	198,303	142.4
Green Bay.....	282,892	361,302	78,410	27.7	San Diego.....	195,014	347,349	152,335	78.1
Houston.....	197,016	276,291	79,275	40.2	San Francisco.....	340,754	410,811	70,057	20.6
Kansas City.....	123,000	546,124	423,124	344.0	Washington.....	198,243	365,346	167,103	84.3
Los Angeles.....	306,406	473,914	167,508	54.7	Total.....	4,985,756	8,650,396	3,664,640	73.5
Minnesota.....	239,849	329,037	89,188	37.2					

<sup>1</sup> Considered only clubs in existence in 1961.

## MISCELLANEOUS FACTS

(1) Today over 95 percent of all stadium seats for all NFL regular season games are sold, and in some cases the entire season is sold out.

(2) In 1971, over 10 million people attended the 364 regular season games of the 26 national football league teams. That attendance figure increased for the 1972 season.

(3) In 1972, the privilege of using the public airwaves to broadcast regular season NFL games meant an additional \$1.5 million for each of the 26 member clubs or \$39 million total.

(4) Total professional football game attendance increased from 4,153,000 in 1960, to 9,913,000 in 1970. This does not include the preseason games.

(5) This amendment would not be telling the NFL how to run its affairs. This amendment merely modifies a special exemption from the anti-trust laws which Congress granted professional football, baseball, basketball, and hockey sport leagues in 1961.

Mr. MACDONALD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so reluctantly. This

amendment was raised in the committee and we all understand the difficulty that the geographical situation of Youngstown presents. It is within the 75-mile limit, but there are two difficulties about changing that at this point in this bill.

No. 1, I could have made a point of order, I believe, against it as being non-germane inasmuch as we are amending the Communications Act and this limit of incursion by television is established in the National Football League consti-

tution. The Congress has had nothing to do with its formation, unlike the anti-trust exemption for the network negotiations.

Mr. CARNEY of Ohio is understandably upset, and we appreciate it. I think he would be better served by talking with the owners of the two clubs to which he referred, because they could by mutual agreement solve his problem. First of all, it is not our business, and secondly, we would be opening ourselves up to the charge—and I think a very valid one—that if this amendment were adopted, Youngstown stations which can be seen in Pittsburgh and Cleveland could advertise, "Do not buy Cleveland Browns' tickets; do not buy Pittsburgh Steelers' tickets, stay at home and watch it on your home TV over the Youngstown station even though your home stations are blacked out."

We want to be fair with the NFL. They have their rules and regulations. They have a lawful constitution. I think it would be a matter of the Congress inserting itself in the internal workings of the league.

I urge that the amendment, however helpful it might be on behalf of Mr. CARNEY, be defeated.

Mr. FLYNT. Mr. Chairman, I move to strike the last word. I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Chairman, I have some serious reservations about this bill. At the same time I have these reservations, I recognize the desire of people who live within the local area to see home games. Yet, I am concerned about this bill, because I feel that it may be an unwarranted intrusion of the powers of Government into an ongoing and viable section of private enterprise which, after many years of hard, lean times, is now doing a good job and is in a sound financial position.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. Of course, I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, would the gentleman agree that in his State the people of the State were taxed in order to build the stadium, and they certainly should enjoy some of the fruits of their taxation?

Mr. FLYNT. Mr. Chairman, I respond to that question, although I do not think it is germane to this bill that is under consideration. The people of Atlanta built the stadium, not the people of the State of Georgia. They did a good job of it and they attracted there a major league baseball team and a major league football team. Both of them, I might add, are doing a good job not only for themselves and their clubs locally, but for the entire city and State as well.

I know many of my colleagues join in resenting the statements made earlier by certain Members who stated or implied that professional football is owned and controlled by a bunch of racketeers. That is certainly not true with the Atlanta Falcons, who would be included in this categorical indictment.

The Falcons recently came into the National Football League. They came in, of course, with uncertainties, but they have made it work. Rankin Smith and his associates are as fine a group of people as there are in our State or in the country. I resent, on their behalf, the allegation that they and others in the industry are a bunch of racketeers and gangsters. It is simply not so.

I believe the same thing has been said and could well be said about club owners in other cities.

One secret of the success of professional football is that it has been able to attract sellout crowds. I do not know whether they will continue to be able to attract sellout crowds once this law is passed. What I am afraid of is that once the door is open, even though they may be able to sell out the tickets, they may find their teams playing to half-filled stadiums, which would not be in the best interests either of the team or of organized football.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. There are two points about that I would point out to the gentleman from Georgia.

In the first place, if the stadium is not sold out, the blackout will be in effect.

Mr. FLYNT. But I said that the tickets could be sold, but they might still have a half-empty stadium, which could happen and has happened. I will cite examples of that in just a minute. Football clubs in certain cold weather cities in the northern part of the country would suffer from this situation more than the club in Atlanta, but clubs in cold weather cities under this legislation if enacted would definitely suffer sharp drops in attendance, greatly magnify the "no show" problem and turn a well attended sports event into a studio show.

I believe that would be detrimental not only for the owners, but also for professional football.

I yield further to the gentleman from Massachusetts.

Mr. MACDONALD. I agree with the gentleman. I do not believe that will happen. Of course, it is a possibility.

As an example, here in Washington I believe there are many innercore city people who are great fans who cannot afford the \$8, here in Washington. I do not know what is the cheapest ticket in Atlanta.

If the stadium were sold out, and if the people were not showing up, would it not be a great thing to distribute these tickets to the innercore city people, who cannot afford to go? I guarantee they would have the most enthusiastic crowd they had ever had.

Mr. FLYNT. At the same time, they might, as a result of that, say, "The sale of season tickets is the economic lifeblood of professional football." These tickets must be sold if a football club is to prosper. If the entire operation is to be the success that it presently is, they need well-attended games as well as good ticket sales.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman yielding and I appreciate his remarks.

I should like to make a point to my colleagues. What the gentleman in the well is saying is extremely important, because the economic lifeblood of professional football rests with maximum attendance in the stadium.

The point was made earlier in the colloquy on the floor that somehow or other, because the stadium are built with public funds in many instances, it rests with the Congress to take the responsibility to bring these events to the public over free TV.

I would simply say that we built the Kennedy Center with public funds. No one is suggesting, I believe, that if they have sold out a performance at the Kennedy Center somehow it should be covered by TV in the same way this legislation treats professional football.

Mr. FLYNT. If I may interrupt the gentleman from New York, I shall yield back later gladly. I believe the gentleman has made a good point.

One might say that if some enterprising motion picture theater owner in his hometown had such attractions that he simply because he sold out seats at every performance, somebody should introduce a bill to require that local motion picture theater owner to televise free the motion pictures he brings in. I believe the situation is analogous.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 5 additional minutes.)

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to commend my colleague from Georgia, who has had the courage to stand up here and present a defense of the owners of these football teams.

It is true that today they are riding on a high plane of popularity, with the stadiums full, but many a day went by when they did not have the stadiums full, and they lost money, and the people who were interested in professional football kept on, because of their faith in the game.

Merely because they have done this, is no reason to persecute them now when things are going well.

I cite as a shining example the Pittsburgh Steelers, who for many years had a considerable amount of trouble making ends meet. Now they have a good team. They are run by a very fine family, Mr. Art Rooney and his sons. They are a tremendous credit to our community, and to the game of professional football.

Mr. FLYNT. I thank my friend from Pennsylvania.

Let me make one more point.

Mr. Chairman, most people seem to think that this proposal is an innovation. It is nothing new at all. In 1950—now, that might seem like ancient history, but I will come next to an example in December 1970—in 1950 the Los Angeles Rams permitted home game television, with the television sponsor agreeing to underwrite the club's home game attendance at previous levels. At that time, in that



season, the Rams had a 9-3 record and held the Western Conference championship, and television was new.

Despite this, regular season home game attendance dropped by 46 percent, and the sponsors bore heavy financial penalties, and the attendance at professional football in the Los Angeles area suffered as a result of televising home games.

One might say that is 1950 and it is too far back to get the true perspective of it.

All right, let us go to December of 1970, when the Baltimore Colts' games were televised, a team which had had 51 consecutive sellouts and had had extremely successful seasons.

When the televising of the Baltimore Colts' games became available over a Washington television station, the Baltimore Colts fell 16,000 seats short of selling out division playoff and conference championship games in Baltimore.

Mr. Chairman, this could happen to an industry which has done an excellent job in coming through many, many hard years before it became the successful industry that it is today.

I do not know that the results of the passage of this legislation will be adverse to professional football. I simply do not know whether it will be or not. I hope it will not be. But the people who know a lot more about professional football than we do believe that it would be adverse to them, in spite of the short-range benefits which they would desire from television revenue as a result of broadcasting home games. I do not believe that the club owners and the Commissioner of professional football are being selfish about this in their opposition to this bill. I just believe that they are being realistic.

Mr. McCLOREY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Illinois.

Mr. McCLOREY. Mr. Chairman, I believe the gentleman from Georgia has made some very fine points, and I concur in the position taken by the gentleman from Georgia.

It seems to me that we should oppose this.

This is interference at its worst by the Congress into private enterprise, it seems to me, and I hope that this measure is defeated.

(Mr. McCLOREY asked and was given permission to revise and extend his remarks.)

Mr. FLYNT. Mr. Chairman, I believe that the committee amendment, which would change it to an experimental period of three football seasons, is far preferable to the original bill. I am concerned about what this could do to an industry which has proven itself to be operating in the public interest.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my friend from Alabama.

Mr. FLOWERS. Mr. Chairman, I would like to identify myself with the remarks made by the gentleman from Georgia and I concur totally with them.

(Mr. FLOWERS asked and was given permission to revise and extend his remarks.)

Mr. FLYNT. I thank my colleague from Alabama for his remarks.

Mr. DULSKI. Mr. Chairman, I move to strike the last word.

(Mr. DULSKI asked and was given permission to revise and extend his remarks.)

Mr. DULSKI. Mr. Chairman, I rise in enthusiastic support of H.R. 9553 to prohibit television blackouts of home National Football League games which are sold out 72 hours in advance of game time.

I have considered carefully the objections raised by the football commissioner, team owners, and players, present and former.

The public interest, in my view, falls squarely in support of a change in the law. The objections are at best flimsy, if indeed they hold any water at all.

The current hometown blackout provision represents a relatively rare exemption from the antitrust law which professional football was given in its early days as a struggling enterprise. It is no longer a commercial weakling.

We are not proposing to cancel the blackout exemption completely. All we do is to modify the exemption so that it does not apply to home games that are sellouts in advance.

I believe that this is a completely reasonable modification of the law at this time. I might add, however, that I believe that a periodic look should be taken at this basic exemption from the law. It could well be that it has served its purpose and can be eliminated entirely.

I have the honor of representing a community which is truly sports-minded. The people of Buffalo, Lackawanna, Erie County and the entire Niagara Frontier are solid sports fans.

Just last month, the Washington Redskins travelled to Erie County to help the Buffalo Bills baptize a \$22 million football stadium that seats 88,000 persons. Yes, it was a sellout crowd.

The county placed its citizens under heavy financial responsibility in approving construction of this new stadium. It is a beautiful structure and layout of which the county can be proud.

There is an important risk which the county has assumed because it will take many years to pay off the building costs. Its success therefore requires not only the strong patronage of games, but also full faith of all our citizens.

Our people appreciate and support our Buffalo Bills football team, but there is reason to be frustrated too often by the actions of team ownership and management.

Professional football is a business as well as a sport. The business side of the Buffalo team sometimes seems to forget that the local citizens are having to fork up two ways for the financial success of the team, by patronage at the gate and by their annual taxes.

In this context it is difficult to understand the thinking of the Buffalo team's management in its recent adamant effort to prevent the county, which built

it, from installing the name of the stadium on its wall.

To get the best deal is the name of any game, but it involves a limit on both sides. The Buffalo team ownership did neither itself nor the league any good with its refusal to acknowledge the county's rights and contribution to the new stadium.

Mr. Chairman, I urge passage of H.R. 9553 and I include a recent local editorial as part of my remarks:

[From the Buffalo Evening News, Sept. 8, 1973]

#### EASE TV FOOTBALL BLACKOUTS

The Buffalo Bills may not field a powerhouse able to fill Erie County's new 80,000-seat Rich Stadium to screaming, cheering capacity in every game this season. But that doesn't diminish the wisdom of congressional action to repeal, for a trial period, the special exemption now allowing team owners to black out local television coverage of even sold-out home games.

These blackouts result from an exemption to the nation's anti-trust laws won by pro football a dozen years ago when this now-prosperous commercial enterprise was still in its infancy.

The special privilege cements a system under which the owners can hardly lose but loyal hometown fans often can. Many of these same fans, as taxpayers, help pay for the stadium in which the blacked-out team plays and from which the owners profit, partly through the pooled sale of their games to television networks for lucrative fees.

NFL owners and Commissioner Pete Rozelle argue that requiring telecasts of local games will empty stadium seats and fill living rooms with stay-at-homes. This is a possibility, to be sure, and certainly Erie County, with a new stadium to pay for, doesn't want acres of vacant seats. But under a Senate-passed bill (which would apply not only to football but to other professional sports as well), the blackouts would be lifted only for games sold out 72 hours in advance, and the repeal plan would be carefully limited to a one-year experiment. If disaster follows, blackouts can always be restored.

In the meantime, pro-football is big business and its claims for special shelters from anti-trust laws are much less persuasive than they were years ago. More in need of this break right now are the deserving, loyal fans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CARNEY) to the committee amendment in the nature of a substitute.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CARNEY of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment to the committee amendment in the nature of a substitute was rejected.

Mr. RANDALL. Mr. Chairman, I rise in support of this bill.

(Mr. RANDALL asked and was given permission to revise and extend his remarks.)

Mr. RANDALL. Mr. Chairman, I enthusiastically support H.R. 9553, which will amend the Communications Act of 1934 to require the broadcast of games of certain professional sports when tickets of admission for seats at such games, available for purchase by the public 120

hours before the beginning of the game, have all been purchased 72 hours before game time. H.R. 9553 is best known as the antiblackout bill or "ban the blackout" bill.

Last Friday the Senate passed similar but not identical legislation by a vote of 76 to 6. On H.R. 9553 there was only one dissenting vote in subcommittee and only one dissenting vote in the full committee.

As we consider this bill a few questions should be asked: How can there be a justified complaint against this legislation? How can there be a logical disagreement with this bill?

The answer to both of these questions should be that no one has a really valid complaint and no one can make a very strong case in disagreement. The reason is that the bill very simply and quite plainly provides that 5 days or 120 hours before the beginning of the game all available and unsold tickets must be put on sale and then at the point of 72 hours before game time, if all seats have been sold, the game must be televised locally, provided it is to be televised anywhere else in the country.

The Congress does not attempt to say to the owners that it has any authority to make them or to force them to install TV cameras and send out pictures of the game while it is in progress. No, that cannot be done. But, because the public owns the airways Congress can say by this legislation that if they choose to telecast the game, they must telecast it locally when the conditions of this legislation apply.

The distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD) in my judgment, quite properly offered an amendment to change the bill as it came from the committee as open end or permanent legislation to make it effective for only 3 years and to terminate or repeal this amendment to the Communications Act of 1934. This means that the bill will cover parts of 3 calendar years and two full football seasons, and the remainder of this season.

Such an amendment is most meritorious, in my opinion, because had the House followed the Senate version of lifting the blackout as a sort of experiment for 1 year, then such a testing period could have been an implied invitation to the owners to fudge and finagle in an effort to prove the experiment was unworkable. With a 3-year period we may very well be saving the owners from themselves. We are saying the owners must give this thing ample time to be tested and if they attempt to fudge or evade the provisions of this bill, then, of course, there are means of enforcing it. For my part, I hope the several owners comply with the spirit of the law.

Mr. Chairman, it has been so expressed that I do not apologize for the repetition when I say that there is just no way for this legislation to hurt the game. There are those who argue that it will adversely affect professional football. It would seem that kind of result is almost impossible. I strongly dislike the use of the words "operative" and "inoperative" because they have been used so frequently in the

Watergate hearings but in the context of this legislation, I will use one of these words to say that if the sale of seats fall off, this bill simply becomes inoperative. There is no way this legislation can hurt the game.

Mr. Chairman, the House has provided some built-in safeguards which will prevent any possible injury or damage to professional football from this legislation. Having reduced the status of this from permanent legislation to a 3-year period, we have gone further to provide that the Federal Communications Commission shall conduct a continuing study of the effect of this amendment to the Communications Act, and not later than April 15 of each and every year submit to the Commerce Committee on the Senate and at the House a report which contains pertinent statistics and data and any recommendations for amending this legislation which will serve the public interest.

How can we be any fairer than that? I get so impatient with men like Pete Rozelle who comes before the committee and cries great crocodile tears that this kind of bill will be the end of professional football. For that matter, I have been impatient for quite some time with a gentleman by the name of Robert N. Cochran who heads telecommunications under Mr. Rozelle, who back in July, said:

In this society people are always wanting to get something that shouldn't be necessary for them to get—they are so spoiled.

It was this kind of arrogance that forced the Congress to act on legislation of this kind today.

Think what has happened since the 1961 amendment to the Communications Act. The eight clubs received less than \$300,000 for their electronic media rights, that today the 26 clubs receive \$46 million, or over \$1.8 million a piece. About 95 percent of all teams, taken collectively, play before 95 percent capacity crowds and yet 35 percent of the people of this Nation reside in blacked out areas. With the prosperity that prevails throughout all of professional football, there is no more need for blackout. The owners who spoke through their commissioner, Mr. Rozelle, at the hearings have opposed this legislation at every turn and like the words of Mr. Cochran, head of telecommunications under Mr. Rozelle, have in effect said, "The public be damned," notwithstanding the fact these gentlemen do not own the airways which are the property of every citizen in the United States. That is why the Congress had no choice but to enact the legislation we are about to pass today.

In the mail received in our office from the franchise owner in our district, the worst complaint is directed against the alleged loss to concessionaires—those who sell hot dogs and beer and those who sell parking space. They say that inflicting the blackout will result in an increase in the "no shows": That the loss to these concessionaires will be so great that they simply cannot make the payments on their revenue bonds that have built so many of the stadiums. The answer to this argument is contained in one word, "Hogwash." If the financial ar-

rangements of the different stadiums are so thin that they must depend on the income from concessionaires, then they should have never been built in the first place.

When this legislation is enacted, and it will be, and signed by the President, a new day will dawn for the sporting fans of this country. It will be a far cry from the situation in Dallas where now you have to post a \$300 bond even to get the right to buy a ticket and yet that area is blacked out to the local fans. But, I am not worried about Dallas. I mention this only as an example of just one of the high-handed arrangements that exist among the owners of professional football teams.

In my own area of Kansas City where a State line runs through part of the metropolitan area, for some reason more ticketholders live on the Kansas side than those who live in Jackson County, Mo. Although the Missourians are paying taxes to finance Arrowhead Stadium, cannot buy any tickets. Now, with this legislation on the books, at least the people who pay the taxes will have a chance to see the game on TV. A privilege that they have been denied up until now.

This legislation has not been hurried or hastily considered, exactly 1 year ago today the Interstate and Foreign Commerce Committee of the House sent out scores of investigators all across the land to determine the possible effect of this legislation. All franchised teams were contacted. They were all asked for the list of their season ticketholders.

From a sample poll which was fed into a computer to try to arrive at an accurate sampling of opinion. As a result, 69 percent of the season ticket holders said that if the blackout were lifted they would still attend the games in person. In today's evening edition of the Washington Star-News, released on the streets at about the very hour we were debating this bill, in the sports section there is a story which reveals the results of a local poll by one of the Star-News staff writers. He found that the consensus of the Redskin fans who were polled was that there was just no way they will give up their season tickets. Those polls were of the Washington season ticket holders. They all said they prefer to see the real thing. Nearly everyone of those polled said that the lifting of the TV blackout will not keep them from attending in person as a cheering fan at all of the Redskin games.

The timing of this bill is most important. I have just learned that the other body on the north side of the Capitol are waiting for our action. It is my understanding that they are willing to accept the House amendment to this bill to extend it three years. If the Senate adopts the language of our bill and passes it as a Senate bill, there is no need for a conference on this legislation. It could be on the way to the White House tonight for the President to sign. He has promised to affix his signature immediately. This entire legislation can become law in plenty of time to become effective for the games on Sunday, September 16.

Mr. Chairman, this is the kind of leg-

isolation that should be passed without any opposition. It will give the public opportunities that they have never enjoyed before. There is simply no conceivable way that this can injure or damage the professional sports involved. The safeguards are built in. This bill should be passed forthwith and the word sent over to the other body as quickly as possible so they can act and the measure sent downtown for the signature of the President. Today, every Member of Congress can help score a touchdown for the public.

Mr. HOGAN. Mr. Chairman, I move to strike the last word.

(Mr. HOGAN asked and was given permission to revise and extend his remarks.)

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 9553, the bill that is presently before us on the floor.

In 1953, in the case of the United States against the National Football League, Judge Allen K. Grim held that certain broadcasting practices of the National Football League were outside the scope of the antitrust laws. Judge Grim held that it was illegal for local teams to restrict telecasts of the games of other teams into the local home territories when the local team was on the road and it was televising its games back to its local area.

To reverse this decision, the NFL sought congressional relief and, in response, the Congress enacted what has commonly been called the "Sports Broadcasting Act." This act allows professional football, baseball, basketball, and hockey teams to jointly sell the rights of the member clubs in sponsored telecasts; it limits the antitrust exemption "except within the home territory of a member club of a league on a day when such club is playing a game at home"; and it provides protection for intercollegiate football games from the telecasts of professional football games.

I now feel that the time has come for Congress to reevaluate the financial necessity of sports blackouts. The 1961 legislative blackout was taken at a time when the financial position of major sports leagues, football in particular, was much more precarious than is the case today.

According to a recent survey taken by the Special Subcommittee on Investigations of the Interstate and Foreign Commerce Committee, 69 percent of those people who hold season tickets in all NFL cities would continue to purchase season tickets if legislation were enacted to televise home games. However, the NFL continues to support the practice of television blackouts on the grounds of financial necessity.

The original purpose of the legislative antitrust exemption has been achieved and there are no new or alternative justifications for its existence. The arrogant inflexibility of the NFL on the question of television blackouts should no longer be permitted by Congress. It is time the fans got a break as well as the owners of the clubs.

Mr. Chairman, the bill before us today would provide for live television broadcasting within the home territory of pro-

fessional football, baseball, basketball and hockey clubs of the games played by such clubs at home, providing the games are sold out 72 hours before game time. This would give the professional teams the assurance that they will have a sell-out crowd and it allows the hometown fans the opportunity to see their home team at home when no tickets are available.

The Washington Redskins is a prime example of how the hometown fans have been denied the privilege and right to see their club at home. Every seat in Kennedy Stadium is committed to season ticket holders long before the season ever begins.

In Baltimore, all but a few thousand seats are also held by season ticket purchasers, and these are also sold out long before game time. And I am sure that if the Colts decided to fill their entire stadium with season ticket holders, they could easily do so.

The same or similar situations exist in virtually every one of the home team cities. Professional football tickets have become prized possessions. According to some reports, it has even reached the point where they are among the most coveted assets in some decedent's estates.

Mr. Chairman, this bill would remedy a gross injustice now being perpetrated against thousands upon thousands of professional football fans in every National Football League city in the country. I urge my colleagues to take the initiative in the blackout problem by passing this bill so that hometown fans can watch home team football this season.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ZABLOCKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9553) to amend the Communications Act of 1934 for 1 year with regard to the broadcasting of certain professional home games, pursuant to House Resolution 544, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KEMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 336, nays 37, answered "present" 1, not voting 60, as follows:

[Roll No. 457]

YEAS—336

Abzug	du Pont	McKinney
Adams	Eckhardt	Macdonald
Addabbo	Edwards, Ala.	Madden
Alexander	Erlenborn	Madigan
Andrews, N.C.	Esch	Mahon
Andrews, N. Dak.	Eshleman	Mailliard
Annuizio	Evans, Colo.	Mallary
Archer	Evins, Tenn.	Maraziti
Arends	Fascell	Martin, Nebr.
Ashbrook	Findley	Martin, N.C.
Ashley	Fish	Mathias, Calif.
Aspin	Fisher	Matsunaga
Badillo	Flood	Mazzoli
Bafalis	Foley	Meeds
Baker	Ford, Gerald R.	Meicher
Barrett	Ford,	Mezvinisky
Bauman	William D.	Michel
Beard	Forsythe	Millford
Bennett	Fraser	Miller
Bergland	Frelinghuysen	Minish
Bevill	Frey	Mink
Bieber	Frøehlich	Minshall, Ohio
Bingham	Fuqua	Mitchell, Md.
Blatnik	Gaydos	Mitchell, N.Y.
Boggs	Gettys	Moakley
Boland	Gialmo	Montgomery
Bolling	Gibbons	Moorhead, Pa.
Bowen	Gilman	Morgan
Brademas	Ginn	Mosher
Brasco	Goldwater	Moss
Breaux	Gonzalez	Murphy, Ill.
Breckinridge	Goodling	Murphy, N.Y.
Brinkley	Grasso	Myers
Brooks	Gray	Natcher
Broomfield	Green, Oreg.	Nedzi
Brotzman	Green, Pa.	Nelsen
Brown, Calif.	Gross	Nichols
Brown, Mich.	Grover	Nix
Brown, Ohio	Gubser	Obeys
Broyhill, N.C.	Gude	O'Brien
Broyhill, Va.	Gunter	O'Hara
Buchanan	Haley	Parris
Burgener	Hamilton	Passman
Burke, Fla.	Hanley	Patman
Burke, Mass.	Hanna	Patten
Burleson, Tex.	Hansen, Idaho	Pepper
Burlison, Mo.	Hansen, Wash.	Perkins
Burton	Harrington	Pettis
Butler	Hastings	Peyser
Byron	Hawkins	Pickle
Camp	Hébert	Pike
Carney, Ohio	Hechler, W. Va.	Podell
Carter	Heckler, Mass.	Powell, Ohio
Casey, Tex.	Heinz	Preyer
Cederberg	Helstoski	Price, Ill.
Chamberlain	Hinshaw	Quile
Chappell	Hogan	Railsback
Ciancy	Holifield	Randall
Clark	Holt	Rangel
Clausen,	Holtzman	Rees
Don H.	Horton	Regula
Cleveland	Hosmer	Reid
Cochran	Howard	Reuss
Cohen	Huber	Riegle
Collier	Hungate	Rinaldo
Collins, Tex.	Hunt	Roberts
Conable	Ichord	Robinson, Va.
Conte	Jarman	Robison, N.Y.
Conyers	Johnson, Calif.	Rodino
Corman	Johnson, Colo.	Roe
Cotter	Johnson, Pa.	Rogers
Coughlin	Jones, Ala.	Roncallo, N.Y.
Cronin	Jones, N.C.	Rooney, Pa.
Culver	Jones, Okla.	Rose
Daniel, Dan	Jones, Tenn.	Rosenthal
Daniel, Robert	Karth	Rostenkowski
W., Jr.	Kastenmeier	Roush
Daniels,	Kazen	Roy
Dominick V.	Keating	Sarasin
Danielson	Ketchum	Sarbanes
Davis, Wis.	Kluczynski	Scherle
de la Garza	Koch	Schneebelt
Dellums	Kyros	Schroeder
Dent	Latta	Sebelius
Derwinski	Leggett	Seiberling
Devine	Lehman	Shipley
Dickinson	Lent	Shriver
Diggs	Long, La.	Shuster
Dingell	Long, Md.	Sisk
Donohue	Lott	Skubitz
Dorn	McCloskey	Slack
Downing	McCollister	Smith, Iowa
Drinan	McDade	Snyder
Duiski	McFall	Spence
	McKay	Staggers

Stanton, J. William	Thomson, Wis.	Wiggins
Stanton, James V.	Thone	Williams
Stark	Thornton	Wilson,
Steed	Towell, Nev.	Charles, Tex.
Steele	Treen	Winn
Steelman	Ullman	Wolf
Steiger, Wis.	Van Deerlin	Wright
Stephens	Vander Jagt	Wylder
Stokes	Vanik	Wylie
Stubblefield	Veysey	Wyman
Studds	Vigorito	Yates
Sullivan	Waggonner	Yatron
Symington	Walsh	Young, Fla.
Talcott	Wampler	Young, Ga.
Taylor, Mo.	Ware	Young, Ill.
Taylor, N.C.	White	Young, S.C.
Teague, Calif.	Whitehurst.	Young, Tex.
Thompson, N.J.	Whitten	Zablocki
	Widnall	Zion

## NAYS—37

Abdnor	Hicks	Satterfield
Conlan	Jordan	Saylor
Dellenback	Kemp	Smith, N.Y.
Dennis	Landgrebe	Steiger, Ariz.
Duncan	McClory	Stuckey
Edwards, Calif.	Mayne	Symms
Ellberg	Mizell	Teague, Tex.
Flowers	Poage	Udall
Flynt	Pritchard	Whalen
Fountain	Rarick	Wilson, Bob
Fulton	Rhodes	Young, Alaska
Harsha	Rousselot	
Henderson	Ruth	

## ANSWERED "PRESENT"—1

Armstrong

## NOT VOTING—60

Anderson, Calif.	Hanrahan	Price, Tex.
Anderson, Ill.	Harvey	Quillen
Bell	Hays	Roncallo, Wyo.
Blaggi	Hillis	Rooney, N.Y.
Blackburn	Hudnut	Roybal
Bray	Hutchinson	Runnels
Burke, Calif.	King	Ruppe
Carey, N.Y.	Kuykendall	Ryan
Chisholm	Landrum	St Germain
Clawson, Del	Litton	Sandman
Clay	Lujan	Shoup
Collins, Ill.	McCormack	Sikes
Crane	McEwen	Stratton
Davis, Ga.	McSpadden	Tiernan
Davis, S.C.	Mann	Wilson,
Delaney	Mathis, Ga.	Charles H.,
Denholm	Metcalfe	Calif.
Frenzel	Mills, Ark.	Wyatt
Griffiths	Mollohan	Zwach
Guyer	Moorhead,	
Hammer-	Calif.	
schmidt	O'Neill	
	Owens	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Landrum.  
 Mr. Rooney of New York with Mr. Anderson of Illinois.  
 Mrs. Burke of California with Mr. Ruppe.  
 Mr. Carey of New York with Mr. Quillen.  
 Mr. Charles H. Wilson of California with Mr. Runnels.  
 Mr. McSpadden with Mr. Lujan.  
 Mr. St Germain with Mr. Sandman.  
 Mr. Stratton with Mr. Bray.  
 Mr. Davis of South Carolina with Mr. Kuykendall.  
 Mr. Metcalfe with Mr. Hanrahan.  
 Mr. Davis of Georgia with Mr. Bell.  
 Mr. Mills of Arkansas with Mr. Shoup.  
 Mr. Sikes with Mr. Blackburn.  
 Mr. Tiernan with Mr. Del Clawson.  
 Mr. Blaggi with Mr. Roncallo of New York.  
 Mr. Mathis of Georgia with Mr. Crane.  
 Mr. Mollohan with Mr. Hammerschmidt.  
 Mrs. Collins of Illinois with Mr. McEwen.  
 Mr. O'Neill with Mr. Frenzel.  
 Mr. Anderson of California with Mr. Guyer.  
 Mrs. Chisholm with Mr. Hillis.  
 Mr. Delaney with Mr. Wyatt.  
 Mr. Denholm with Mr. King.  
 Mrs. Griffiths with Mr. Hudnut.  
 Mr. Litton with Mr. Zwach.  
 Mr. Roybal with Mr. Hutchinson.  
 Mr. Clay with Mr. McCormack.  
 Mr. Mann with Mr. Owens.  
 Mr. Ryan with Mr. Moorhead of California.  
 Mr. Price of Texas with Mr. Harvey.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 544, the Committee on Interstate and Foreign Commerce is discharged from further consideration of the Senate bill (S. 1841) to amend the Communications Act of 1934 for 1 year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams.

The Clerk read the title of the Senate bill.

## MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 1841 and insert in lieu thereof the provisions of H.R. 9553, as passed, as follows:

That part I of title III of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

## "BROADCAST OF GAMES OF PROFESSIONAL SPORTS CLUBS"

"SEC. 331. (a) If any game of a professional sports club is to be broadcast by means of television pursuant to a league television contract and all tickets of admission for seats at such game which were available for purchase by the general public one hundred and twenty hours or more before the scheduled beginning time of such game have been purchased seventy-two hours or more before such time, no agreement which would prevent the broadcasting by means of television of such game at the same time and in the area in which such game is being played shall be valid or have any force or effect. The right to broadcast such game by means of television at such time and in such area shall be made available, by the person or persons having such right, to a television broadcast license on reasonable terms and conditions unless the broadcasting by means of television of such game at such time and in such area would be a telecasting which section 3 of Public Law 87-331, as amended, (15 U.S.C. 1293) is intended to prevent.

"(b) If any person violates subsection (a) of this section, any interested person may commence a civil action for injunctive relief restraining such violation in any United States district court for a district in which the defendant resides or has an agent. In any such action, the court may award the costs of the suit including reasonable attorneys' fees.

"(c) For the purposes of this section:

"(1) The term 'professional sports club' includes any professional football, baseball, basketball, or hockey club.

"(2) The term 'league television contract' means any joint agreement by or among professional sports clubs by which any league of such clubs sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games engaged in or conducted by such clubs.

"(3) The term 'agreement' includes any contract, arrangement, or other understanding.

"(4) The term 'available for purchase by the general public', when used with respect to tickets of admission for seats at a game or games to be played by a professional sports club, means only those tickets on sale at the stadium where such game or games are to be

played, or, if such tickets are not sold at such stadium, only those tickets on sale at the box office closest to such stadium.

"(d) The Commission shall conduct a continuing study of the effect of this section and shall, not later than April 15 of each year, submit a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with respect thereto. Such report shall include pertinent statistics and data and any recommendations for legislation relating to the broadcasting of professional football, baseball, basketball, and hockey games which the Commission determines would serve the public interest."

SEC. 2. Section 331 of the Communications Act of 1934 (as added by the first section of this Act) is repealed effective December 31, 1975.

Amend the title so as to read: "An Act to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Communications Act of 1934 with regard to the broadcasting of certain professional sports clubs' games."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 9553) was laid on the table.

## GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip if there is any program remaining for this week and the schedule for next week.

Mr. McFALL. Mr. Speaker, if the distinguished minority leader will yield, I will be happy to respond.

Mr. GERALD R. FORD. I yield to the distinguished gentleman from California.

Mr. McFALL. Mr. Speaker, there is no further legislative business for today, and upon announcement of the program for next week, I will ask unanimous consent that the House adjourn until Monday.

The program for the House of Representatives for next week is as follows:

Monday, Consent Calendar and suspensions, four bills:

H.R. 7265, Domestic Volunteer Service Act;

H.R. 7352, Federal prisoners furlough; H.R. 5943, OAS diplomatic immunity; and

H.J. Res. 719, HUD loan insurance.

Tuesday, Private Calendar and Suspensions, eight bills: